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DISCUSSIONS  
ON  
CHURCH PRINCIPLES:

POPISH, ERASTIAN, AND PRESBYTERIAN.

BY  
WILLIAM CUNNINGHAM, D.D.,  
PRINCIPAL AND PROFESSOR OF CHURCH HISTORY, NEW COLLEGE, EDINBURGH.

EDITED BY HIS LITERARY EXECUTORS.



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## P R E F A C E.

THE materials of this volume, selected partly from the published and partly from the unpublished writings of Dr Cunningham,—although prepared at different times and with different objects in view,—have little in them of the character of a miscellaneous collection. To no small extent they embody a connected view and thorough discussion of some of the leading peculiarities that mark the three great theories into which opinions, as to Church principles, both in former and recent times, fall to be classified. The general subject considered is *the Church*, not so much in its doctrinal aspects and creeds as in the character of a spiritual society, holding by necessity certain relations of one kind or other to the State,—professing to exercise separate and inherent powers,—and claiming peculiar rights and liberties for its members; and the discussion of this subject on the grounds of Scripture and reason, involves an examination of the chief features that distinguish the Popish, the Erastian, and the Presbyterian systems. Such principles are not the growth of circumstances and controversy in any one age, but are the standing divisions of opinion which are seen to exist, more or less, at all times; and although several

of the most important of the "Discussions" contained in this volume, were contributions to the great ecclesiastical conflicts that have distinguished our day, and left such deep and extensive traces on the Church of Christ, yet there is little in them that belongs only to passing events and interests, and very much that must be regarded as of permanent value. Both the nature of the topics discussed, and the manner in which Dr Cunningham was accustomed to look at the general principles rather than particular circumstances involved in the discussion, have left little for his Editors to do in the way of omitting what was only of local and ephemeral importance.

The first five chapters, selected from articles contributed by Dr Cunningham to the *North British Review*, are mainly occupied with a consideration of some of the leading principles in the Church system of Romanism, beginning with the foundation which these principles find in fallen human nature, and the support which they have sought in the modern doctrine of development; proceeding to examine their progress and full embodiment in the place and influence acquired by the Popes as temporal princes during the Middle Ages, and more especially in the supreme and universal jurisdiction in temporal or civil matters claimed by them as the result of their spiritual authority; and finally discussing the opposition that has been raised, more or less, within the Church of Rome itself to this latter claim, by the assertors of what have been called the Liberties of the Gallican Church.

The next three chapters open up the question of the

true character of the Church, and its proper relations to the State, more especially in reference to the opposite extreme to the Romanist principles,—or the Church system of Erastians. In the sixth chapter, taken from an article by Dr Cunningham in the *North British Review*, there is an examination of the modified Erastianism, witnessed, to some extent, in the Royal supremacy recognised in the Church of England; in the seventh chapter, selected from the manuscript Lectures of the Author, he gives a full statement of the Scriptural view of the relations of the Church and State; while in the eighth chapter, now republished from a valuable pamphlet issued by Dr Cunningham in 1843, but long since out of print, he discusses the doctrine of the Westminster Confession of Faith in reference to the same subject, with a view to vindicate it, more especially, from the charge of Erastianism.

The remainder of the volume is devoted to a consideration and defence of some of the great Church principles held by Presbyterians against both High Churchmen on the one hand, and Erastians on the other. The ninth chapter, drawn from Dr Cunningham's manuscript Lectures, embodies a discussion of the Scriptural views of the nature and limits of the power possessed and exercised by a Church of Christ. In the tenth Chapter, from the *North British Review*, there is an earnest vindication of the claim of a Church to exercise this power in connection with its proper spiritual work as a Church, independent of civil interference or control,—directed more especially to the circumstances of the Free Church

of Scotland, but applicable in their general sense and in the same measure to all Churches of Christ. The concluding chapters, selected from publications now out of print, exhibit and defend the belief of Presbyterians generally, as to the place and rights of the Christian people in the calling of ministers; and although especially bearing upon the controversies that preceded the Disruption, enforce and illustrate principles in reference to the Church of Christ, of an interest and value not limited to any one time or religious communion.

As in the case of former volumes of Dr Cunningham's works, the Editors have used the discretion entrusted to them, in regard to the alterations and omissions desirable before publication. They have again to acknowledge the kindness of the Rev. John Laing, in verifying and correcting the many quotations and references that occur.

JAMES BUCHANAN.

JAMES BANNERMAN.

NEW COLLEGE, EDINBURGH, *May* 1863.

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ERRATUM.—Page 295, Note †, *for See infra, p. 367, read, See infra, pp. 527, 528.*

## CHAPTER I.

### THE ERRORS OF ROMANISM.\*

WE have always had a great admiration of the talents of Archbishop Whately, and a very high appreciation of the services which he has rendered to the world by his valuable and voluminous writings. He has written upon a great variety of most important subjects—theological and ecclesiastical, philosophical and political; and upon the discussion of all of them he has brought to bear a very high measure of excellences, both intellectual and moral. He is possessed of a very rare combination of ingenuity and sagacity, of penetration and soundness of judgment. He has always advocated and practised the fullest and freest investigation of every subject of interest and importance, and has conducted his own inquiries upon most topics with an amount of real fairness and candour which are by no means common in controversial discussions, even among men of integrity and honour. We regard Dr Whately as occupying a very high place among the educators of the cultivated intellect of the age. We assign to him this most honourable position, not so much because of the amount of important truth which he has taught and commended to men's acceptance—though his services in this respect have been great—but rather because of what he has done, directly and indirectly, by precept and example, in showing men how their faculties may be most fully cultivated and most successfully employed in the investigation of truth; in what way the dangers arising from the obscurities and ambiguities of language ought to

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\* NORTH BRITISH REVIEW, No. xxxiv., Art. 7. August 1852.—1. *Essays on the Errors of Romanism having their Origin in Human Nature.* By RICHARD WHATELY, D.D., Archbishop of Dublin. 2d edit. London, 1837.—

2. *Cautions for the Times: Addressed to the Parishioners of a Parish in England by their former Rector.* Published occasionally; Seventeen Nos. 1851–52.



be guarded against; and what are the spirit and temper in which truth ought to be sought, and investigation ought to be conducted. In these respects Dr Whately has rendered most important permanent services to the community, which entitle him to the admiration, the respect, and the gratitude of all who are interested in the intellectual and moral advancement of society.

We differ, materially and decidedly, from some of Dr Whately's views upon theological subjects; but we have no sympathy with the persevering attempts which have been made, not only by the Tractarians or Puseyites, but also by the old orthodox party in the Church of England, as they call themselves, to run him down as a heretic. We believe that, whether tried by the standard of the Sacred Scriptures, or of the symbolical books of the Church of England, Dr Whately is much more orthodox in his theological sentiments than *these* classes of his accusers,—that their charges against him upon this subject are in a great measure to be traced to the unfriendly feeling awakened in their minds by his able and consistent advocacy of liberal principles on ecclesiastical and political matters.

There are some subjects on which we think Dr Whately has displayed great ability and candour, even when he has not, in our judgment, arrived at sound conclusions regarding them. One of the most striking and important instances of this is to be found in his giving up the argument commonly adduced by Arminians against Calvinism from the moral character and government of God. Dr Whately, himself an Arminian, virtually admits that the argument derived from this source, which has hitherto formed almost the whole stock-in-trade of the opponents of the Calvinistic system, is irrelevant and unsatisfactory, inasmuch as it does not really bear upon the peculiar doctrines of Calvinism, but upon great facts or results actually occurring under God's moral government. The reality of these facts or results is not disputed; and Dr Whately, in substance, admits that Arminians are just as much bound to explain them, and as incapable of explaining them fully, as Calvinists are. In short, he admits that the fundamental question between Calvinists and Arminians, so far as concerns its relation to the Divine moral character and government, virtually resolves into that of the existence and permanence of moral evil in the world,—a question of which both parties are equally called upon, and equally incompetent, to give a satisfactory solution. It

course, they are exhibited more or less by mankind in general, by Protestants as well as by Papists ; and the great practical lesson which he deduces from this position is, that Protestants ought carefully to guard against them in their own sentiments and conduct. This object is good, and it is in many respects exceedingly well executed. Much important truth is brought out, and illustrated with great acuteness and sagacity. And, in the practical application of the various topics, many important considerations are suggested to Protestants, well fitted to excite them to self-examination, to guard them against errors, sins, and absurdities into which they are prone to fall, and to lead to the exercise of more forbearance and compassion towards the victims of Popish delusion. All this is good and useful ; but we think there are defects and omissions in the work which are fitted somewhat to diminish its value. We have no right, of course, to complain that Dr Whately did not discuss subjects which did not fall directly within the compass of the one important topic which he selected for discussion, and has discussed so well. But there are some erroneous impressions which the perusal of the work is fitted to produce, and which, we think, should have been more carefully and explicitly guarded against. Where men's attention is fixed through a whole book upon the one position, that the leading features of Popery have their origin in the tendencies of human nature, and therefore exist more or less among mankind in general, among Protestants as well as Romanists, they are apt to rise from it with the impression, that the tenets and practices referred to are not so sinful and dangerous as they formerly conceived them to be. There is nothing in Dr Whately's book fitted positively to foster this erroneous and injurious impression, but neither is there anything said to guard against it ; and this we regard as a defect in the work, though it is not an error to be charged against its author.

The impression, not unlikely to spring up, is this, that since the leading elements of Popery are to be found largely among Protestants, Popery cannot be so *peculiarly* sinful and dangerous as it is sometimes represented to be, and is not, after all, much worse than Protestantism. The great defect of the work is, that this impression is not carefully guarded against, by bringing out the special, peculiar, and paramount guilt and danger of Popery, with reference to the different topics illustrated. We have no

right, of course, to impose upon Dr Whately the task of expounding at length the special guilt and danger of Popery; but we cannot but regard it as a defect in his work, that it contains nothing to guard against the impression, that no very special guilt and danger attach to it—that Protestantism and Popery are not, after all, very different from each other. We think it of so much importance in the present day, that men should fully and accurately understand what Popery is, that we consider it proper to enlarge somewhat upon this topic, and to endeavour to point out in what way the omission or defect we have noticed in Dr Whately's work ought to be supplied.

The topics which Dr Whately selects for discussion and illustration are these:—1. Superstition; 2. Vicarious Religion; 3. Pious Frauds; 4. Undue Reliance upon Human Authority; 5. Persecution; and, 6. Trust in Names and Outward Privileges; and on all these subjects the work contains some very important truths, and some very valuable lessons. It is quite true, as he shows at length, that there is a powerful tendency in human nature to all these errors and sins, and that, therefore, they are to be found among Protestants, and in orthodox Protestant churches. But the exposition and application of this general truth are fitted to produce erroneous and dangerous impressions, unless accompanied with something, at least, of what Dr Whately's work entirely wants,—namely, a clear and explicit assertion of the peculiar and paramount guilt and danger of the Popish system, *in all these respects*, as distinguished from the system of Protestantism.

The special and peculiar guilt of Popery in this matter, as distinguished from Protestantism, lies in this, that, as a system, in place of being fitted and designed to eradicate or correct the depraved tendencies of human nature towards superstition, vicarious religion, pious frauds, reliance on human authority, persecution, etc., *it consecrates, confirms, and perpetuates them*; whereas the general object and result of Protestantism, as a system, are directly the reverse. The exhibition of these qualities in Protestants is in spite of the system they profess; in Papists it is because of it. We do not mean by this, that Popery *originates* or *produces* these tendencies; for they exist, as we have admitted, in depraved human nature as such. But the influence of the Popish system, in so far as it is brought to bear upon them, is to strengthen and establish them, while that of Protestantism is to correct and eradi-

cate them ; and therefore Popery is, to a large extent, responsible for the strength with which they act, and the extent to which they operate, among Papists, while Protestantism is *not* responsible for the degree in which they may be exhibited by Protestants.

We have said that the Church of Rome has consecrated and confirmed these depraved tendencies of human nature. She has done so by giving to them, and to their necessary manifestations and results, the sanction, more or less formal and explicit, of the church ; and by providing ceremonies, services, and external arrangements of various kinds, fitted and intended to embody and express them. She has thus given her weight and influence to cherishing and fostering these tendencies in the minds of her people, and to bringing them into full and active operation. We think it worth while to illustrate this general position with reference to some of the leading topics which Dr Whately has discussed.

1. The first is superstition, a word which is used in a variety of senses, but which is chiefly employed here to designate the tendency to introduce a system of ceremonial observances, to invent or devise unauthorized acts of external worship, and to place some reliance upon them as acceptable to God and fitted to gain His favour ; thus virtually comprehending man's natural tendency to idolatry and will-worship. That this tendency to superstition exists in the heart of fallen men, has been proved by the history of religion in all ages, though perhaps never more strikingly than in a case where no idolatry, in the stricter meaning of the word, was admitted. We refer to the case of the Pharisees in our Saviour's days, who, though they had a system of minute ceremonial observances imposed by God, such as might have contributed to repress the natural tendency to devise rites and ceremonies by largely gratifying it in a legitimate way, were not satisfied without devising and enforcing many traditions on points of ceremonial observance, and relying upon them as pleasing to God. Now it might seem, from the representations of the Christian system and the Christian church given us in the New Testament, as if it were one design of the new dispensation to counteract this tendency of human nature, not by providing for it, as under the Mosaic system, a certain amount of legitimate gratification, but by prohibiting and extirpating it. This was manifestly the object of our Saviour, in framing and ordering the system of Christian worship. Disregard of this object, springing from the

tendency of human nature which has been so fully developed in every age, showed itself at an early period in the Christian church, and was more and more extensively acted upon as time advanced. Now, how has Popery dealt with this? It has fostered and cherished it to the uttermost, by every species of contrivance which ingenuity could invent. It has introduced practically "gods many and lords many,"—polytheism and image-worship,—and thus withdrawn the undivided homage and reliance of men from the one God and the one Saviour. It has fabricated five false sacraments, and ascribed their institution to Christ. It has overloaded the two sacraments which He did institute, with a mass of useless and profane ceremonies, the mere inventions of superstition, and has ascribed to the outward acts and signs effects which Christ and His apostles never ascribed to them. And, in addition to all this, it has introduced innumerable matters of external ceremony and observance into the worship of God, and urged them upon men as pleasing to Him, and beneficial to them. *This* is the peculiar guilt of Popery, this the special danger to which it exposes men in the matter of superstition or will-worship. It has fostered the natural tendency of depraved men, by providing for it most abundant though unlawful gratification,—by throwing around all the materials it has provided for the indulgence of this sinful and dangerous tendency, the most solemn sanctions of religion,—and thus encouraging men to engage in a constant round of idolatrous and superstitious, and therefore sinful practices, under the delusion that they are thereby propitiating God, and meriting His favour.

It is quite true that this superstitious tendency being natural to fallen man, indications of its presence and operation sometimes appear among Protestants, and that, therefore, it is right and proper to warn them against it. But the great distinctions that ought to be ever remembered and kept in view, are these:—*first*, That the *tendency* of the Popish *system* is to foster and cherish this propensity of depraved human nature, by providing abundant materials for its gratification, and by falsely ascribing to them a divine origin, and a beneficial, if not meritorious, efficacy; whereas the *tendency* of the Protestant *system*, like that of the apostles, is to suppress and eradicate it, by prohibiting and discountenancing the inventions of men in the worship of God—by promulgating the great scriptural principle, that nothing ought to be introduced into divine worship which God Himself has not sanctioned, and

that any deviation in practice from this principle is, in place of being acceptable to God, most offensive in His sight; and *secondly*, That the practical results of this tendency have been immeasurably more extensively and offensively exhibited in the Church of Rome than ever they have been among Protestants.

Another feature of superstition to which also Dr Whately adverts under this head, is the natural tendency of men to indulge in unwarranted speculations, and in unfounded hopes and fears, on matters connected with death and the invisible world. And to this the same general observations apply. Popery has laid hold of this tendency, and has made provision for strengthening and confirming it, while the influence of Protestant views is wholly directed to correcting and eradicating it. This may be briefly illustrated, first in regard to death, and then in regard to the invisible world. It seems to be a natural tendency of men, when death appears to be approaching, to grasp at some easy, short-hand method of being in some measure prepared for that event and its consequences, and to seek something of the satisfaction of having made this preparation. Now, this tendency is no doubt too often exhibited in a painful and distressing way among ignorant and irreligious persons who call themselves Protestants, by sending for a minister of religion to pray with them on their deathbed,—a service in some cases inexpressibly painful, from the apprehension, not unreasonably entertained, that in spite of full warning the dying sinner may pervert it into a cause or ground of fallacious hope. But Protestantism is not responsible for this. She has done nothing, either by her doctrines or her practices; to foster or cherish this tendency; they are all directly opposed to it. How different is the case with Popery! She has adroitly laid hold of this natural tendency, and has fabricated the sacrament of extreme unction, without a shadow of scriptural authority, for the purpose of giving it embodiment and expression,—thus practically, whatever formal explanations she may give when called upon to defend this doctrine, pandering to an erroneous and dangerous tendency, consecrating and confirming it by religious solemnities, invented for the purpose, or at least taken from a different matter and applied, without reason, to this, and in this way practising a ruinous delusion upon the souls of men.

It is a tendency of human nature to shrink from the idea of men's everlasting condition being irrevocably determined at the



period of their death, and to seek for some definite knowledge of what immediately succeeds death, under a vague hope that this may hold out to them some further opportunity of probation, or at least of preparation for happiness. Protestants have adhered to the guidance of the word of God in giving no countenance or toleration to these dangerous tendencies, and in constantly proclaiming what is the substance of all that God has been pleased to reveal to us upon the subject,—namely, that men's eternal destiny is irrevocably determined at the period of their death, and that all men then enter upon a state of happiness or of misery, which in no instance is ever thereafter to change its general character; whereas the Church of Rome has, to some extent, adapted her teaching to this erroneous and dangerous tendency of human nature, and holds up before men the intermediate state of purgatory, in which they are to be prepared, by penal inflictions, for the enjoyment of heaven. She has not indeed in this matter so directly contradicted the doctrine of Scripture, as to deny that it is irrevocably settled at the period of men's death whether they are ultimately to go to heaven or to hell; for she teaches that all who are admitted into purgatory reach heaven at last. But no one who is acquainted with human nature, and who duly estimates the natural tendency which we are now considering, will entertain any doubt that the Romish doctrine of purgatory has, in innumerable instances, deadened men's sense of moral responsibility,—their appreciation of the certain consequences of death; and led many to cherish the delusive hope, that through a process of posthumous purgation they would reach heaven at length, when they had no scriptural ground for this expectation. There is a tendency in human nature to desire, and to believe in, an opportunity of purgation after death; and it is an indication of this tendency, that the Jewish Rabbins have also been in the habit of teaching the existence of a purgatory. But they were honest, stupid bunglers, compared with the skilful and unscrupulous fabricators of the Popish system: for they have limited the period of men's endurance of the pains of purgatory, in all cases, to twelve months; and they further teach, that nothing can in the meantime be done for them on earth to shorten its duration,\*—points of contrast with the Popish doctrine, the bear-

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\* Basnage's *Histoire des Juifs*, liv. v. c. 17-20.



ing of which upon the influence and interests of the priesthood is too obvious to need to be pointed out.

2. We have dwelt, however, long enough upon this subject of superstition, and must now advert to the next topic which Dr Whately discusses—that of vicarious religion. That there is a tendency in human nature leading men to place some reliance, with reference to their future and eternal prospects, on the supposed worth and excellence of other men,—on what some one or more of their fellow-men have done, are doing, or will do for them,—is confirmed by abundant experience. And it cannot be denied that indications of the operation of this most erroneous and dangerous tendency occasionally appear among men who call themselves Protestants. But here, too, Protestantism is free from blame. There is none of her doctrines or practices that has the slightest tendency to encourage this vicarious religion,—the tendency of all of them is directly the reverse. Protestantism holds, in the fullest and most unqualified sense, that God alone can forgive sin—that Christ is the only sacrifice, the only priest—that He alone could render any satisfaction to divine justice—that it is solely on the ground of the relation into which men may have been brought to Him, and of what He has done or will do for them, that any of them can escape merited punishment or receive any mark of God's favour—and that every man must bear his own burden. And while Protestantism holds all these doctrines in their fullest sense, she teaches nothing which has any tendency to neutralize or modify them, or to obstruct their full practical operation upon men's minds. Whereas the Church of Rome, accommodating herself to this natural tendency of men towards a vicarious religion, and anxious to devise pretences for encouraging and strengthening it, has invented tenets, and embodied some of them in outward ordinances, the manifest tendency of which is to subvert, or neutralize at least, the practical influence of those great doctrines of God's word which we have just described as maintained by Protestants. Romanists profess, indeed, to teach all that is laid down in Scripture upon these subjects, and they do not in words contradict it. But they give such perversions of the scriptural doctrines, and they join to them so many additions of their own of an *opposite* bearing and tendency, that they can be clearly proved in some points to subvert or contradict them even in argument or speculation ; and in other points, where

perhaps this cannot be made out so plainly, it can at least be shown that their tenets, when viewed in connection with men's natural tendency to a vicarious religion, are well adapted, practically and with reference to the mass of mankind, to confirm it. The Church of Rome teaches that her priests have the power of forgiving sins, and this not only declaratively, but judicially and authoritatively. Romanists acknowledge other mediators besides Christ, not indeed, as they are accustomed to say, other mediators of redemption, but, as they admit, other mediators of intercession. They teach that men may perform works of supererogation,—deeds of excellence over and above what may be necessary for securing to themselves admission to heaven without passing through purgatory,—and that these works of supererogation may be made available for the spiritual welfare of others than those who performed them, the intervention, however, of some act of the Pope or of his agents being made necessary in order to effect this; and that one man may give satisfaction for another by paying what is due by him in the way of temporal punishment inflicted by God for sin. In short, the Church of Rome teaches explicitly, that no one is admitted to "heaven unless the doors be opened by the priests to whom God has committed the keys."\*

Not only are all these doctrines explicitly taught as portions of divine truth, but many of them are embodied and exhibited in outward ceremonies and observances, fitted and intended to give them a stronger hold of men's minds, and to make them more practically influential upon their feelings and conduct. It may be said with truth, that the whole aspect and complexion of the Romish system are adapted to, and fitted to strengthen and confirm, the natural tendency of fallen men to a vicarious religion—to a reliance, in the matter of their salvation, on those on whom they have no warrant from God to rely. The church will tell us, and her subjects may repeat the assertion, that they rely only on Christ for salvation;—and that there are men in the Church of Rome who are practically and substantially relying on Christ alone, we do not doubt;—but where this reliance on Christ alone really exists among them, it is in opposition to the general ten-

\* Ut enim locum aliquem ingredi nemo potest sine ejus opera cui claves commissæ sunt, sic intelligimus neminem in cœlum admitti, nisi fores a

sacerdotibus, quorum fidei claves dominus tradidit, aperiantur.—Catech. Concilii Tridentini, ii. c. v. sec. 57.

dency and the ordinary results of the system of their church. The manifest tendency of the Romish doctrines above described, is to withdraw them from exclusive reliance upon Christ, and to lead them to trust in their fellow-men. Indeed, the sum and substance of Popery, considered practically and as exhibited among the mass of men in countries where it has full and unrestrained operation, is just this, that the priest virtually undertakes to secure the salvation of the people, upon condition that they give themselves up wholly to his guidance, and submit implicitly to his will. Neither priest nor people would openly profess this, or admit it in words; but no one who is familiar with the real sentiments, the practical impressions, and the actual hopes and fears, of the mass of ordinary Papists, will deny that this is the actual general result of the system when it is really embraced; and the more carefully men examine the system itself in the light of God's word, and in connection with the powerful tendency of depraved human nature to a vicarious religion, the more firmly will they be convinced, that this practical result is one which it is admirably adapted to produce.

3. The next topic which Dr Whately has discussed is that of pious frauds. And here we fully admit the truth of his leading position, when he says: "The tendency to aim at a supposed good end by fraudulent means is not peculiar to the members of the Romish Church; it is not peculiar to those who are *mistaken* in their belief as to what is a good end; it is not peculiar to any sect, age, or country; it is not peculiar to any *subject-matter*, religious or secular, but is the spontaneous growth of the corrupt soil of man's heart." \* There is a natural tendency in men to act, more or less consciously, upon the principle that the end sanctifies the means—that a desire to effect a good object may justify, or at least palliate, some deviation from the strict rules of integrity and veracity; and some traces of this lurking practical Antinomianism occasionally find their way even into the hearts of pious men. It is on this account right and proper to warn all men against it. But we must not overlook the *peculiar* guilt of Popery in this matter. Protestantism has given no countenance or sanction to this depraved tendency. Protestantism holds no principles, and countenances no practices, that are in any measure fitted to encourage and strengthen it; and it is impossible to find, to any

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\* Essays on the Errors of Romanism, p. 149, 2d edit.

*considerable extent*, in the writings or in the actions of Protestants, examples or defences of its application. Whereas, on the other hand, we are fully entitled to say, that the Romish system is fitted to foster, and has actually fostered, this natural depraved tendency to the practice of pious frauds; and no other warrant is needed for the assertion than these undoubted historical facts:—*first*, That Popish writers have more frequently and more explicitly defended the practice than any other body of men that ever existed; and, *secondly*, That this tendency has been more fully exhibited in actual operation in the Church of Rome than anywhere else. These are facts which can be established by conclusive evidence, and they prove that the Church of Rome is in some way or other chargeable with *peculiar* guilt in sanctioning and fostering this depraved tendency. She is chargeable with those results as to writings and actings which we have described. They are undoubted features of her historical character, and she cannot escape from the guilt which they imply. No productions of heathen or infidel writers exhibit such bold defences of fraud and falsehood as can be produced from the writings of Jesuits. The history of heathenism can produce no such exhibition of every kind and degree of fraud, practised professedly for the advancement of religion, as is unfolded in the history of the Church of Rome, and as can be brought home to the Popish ecclesiastical authorities. This the Sacred Scriptures warrant us to expect to find in the Romish system, and this, accordingly, impartial history fully develops there. This is enough to show that, whenever pious frauds, as indicating a natural tendency of depraved men, are made the subject of discussion in connection with the errors of Romanism, it is right and necessary to bring out the important and undoubted facts, that Romish writers alone, or nearly so, have defended such frauds, and that Romish ecclesiastics have practised them more extensively than any other body of men who can be comprehended under a specific designation.

But we can not only infer the tendency of the Popish system to foster the natural tendency of the human heart to practise pious frauds, from the results as exhibited in history; we can lay our hands upon the roots and ingredients of the tendency, as developed in the system itself. These are to be found in the Popish doctrines of the distinction between mortal and venial sins, and of the right of the ecclesiastical authorities to grant dispensations of oaths

and vows,—doctrines which, whatever glosses or explanations may be given of them for controversial purposes, have a most direct and powerful tendency, especially when viewed in connection with the natural leanings and inclinations of depraved men, to produce a very inadequate sense of the difference between right and wrong, and to make men regard certain deviations from the laws of integrity and veracity as innocent and harmless. These Romish doctrines, skilfully adapted to men's depraved tendencies, are well fitted, and amply sufficient, to produce *the fraud*; and then the *piety*, such as it is, is furnished in abundance by another feature of the Popish system,—namely, the constant and zealous inculcation of the paramount regard due to the prosperity of the church as an outward visible society, and the obligation to subordinate everything to the promotion of her interests. These features of the Popish system, taken in combination, and viewed in connection with men's natural tendencies, which they are manifestly fitted to encourage and strengthen, fully explain the undoubted fact, which the history of the Church of Rome presents to our contemplation,—namely, that Popish writers have defended, and that Popish ecclesiastics have countenanced and practised, pious frauds, to an immeasurably greater extent than any body of men that ever existed. This fact contrasts very oddly with the claim which Romanists are accustomed to put forth on behalf of their church to peculiar and pre-eminent sanctity, as a note by which she is plainly and palpably marked out, even to the eyes of men, as the true and only church of Christ, amid all the societies which claim to themselves that character.

4. The next topic which Dr Whately discusses is undue reliance on human authority in religious matters, as connected with the Romish claim to infallibility. His Essay on this subject contains some very valuable and sagacious remarks in support of the position, that the errors of Romanism, speaking generally, were not originally deduced from those texts of Scripture which are now usually brought forward in defence of them; but that, after they had sprung up from other causes, and especially the natural tendencies of the human heart, these texts were pressed into the service. This is a very important truth, and it is well brought out in the following passages :—

“ The infallibility of the (so called) Catholic Church, and the substitution of the decrees of Popes or of pretended General Councils, for the Scriptures,

as the Christian's rule of faith and practice, is commonly regarded as the foundation of the whole Romish system. And it is so, in this sense, that, if it be once admitted, all the rest must follow: if the power of 'binding and loosing' belong to the Church of Rome in the extent claimed by her, we have only to ascertain what are her decisions, and to comply with them implicitly.

"But I am convinced that this is not the foundation, *historically* considered (though it is, *logically*) of the Romish system;—that the Romish hierarchy did not, in point of fact, first establish their supremacy on a perverted interpretation of certain texts, and then employ the power thus acquired to introduce abuses; but resorted, as occasions led them, to such passages of Scripture as might be wrested to justify the prevailing or growing abuses, and to buttress up the edifice already in great measure reared."\*

"Whatever slight differences, however, there may be among Protestants as to the precise sense of these passages, and of all that our Lord has said on the subject, they all agree in this; that it will by no means bear the interpretation put on it by the Romanists; who are commonly supposed, as has been above remarked, to derive from their mistaken view of our Lord's expressions in this place, the monstrous doctrines of the Universal Supremacy of the Church of Rome, and her infallibility as to matters of faith. I have said that these doctrines are *supposed* to be thus derived, because there is good reason to think that such is not really the case; and that in this point, as in most of those connected with the peculiarities of Romanism, the mistake is usually committed of confounding cause and effect. When there is any question about any of the doctrines or practices which characterize that church, it is natural, and it is common, to inquire on what rational arguments, or on what Scriptural authority, these are made to rest; the reasons adduced are examined, and, if found insufficient, the point is considered as settled: and so it is, as far as regards those particular doctrines or practices, when judged of by an intelligent and unbiassed inquirer. That which is indefensible *ought* certainly to be abandoned. But it is a mistake, and a very common, and, practically not unimportant one, to conclude, that the *origin* of each tenet or practice is to be found in those arguments or texts which are urged in support of it; that they furnish the cause, on the removal of which the effects will cease of course; and that, when once those reasonings are exploded, and those texts rightly explained, all danger is at an end of falling into similar errors.

"The fact is, that in a great number of instances, and by no means exclusively in questions connected with religion, the erroneous belief or practice has arisen first, and the theory has been devised afterwards for its support. Into whatever opinions or conduct men are led by any human propensities, they seek to defend and justify these by the best arguments they can frame; and then, assigning, as they often do, in perfect sincerity, these arguments as the cause of their adopting such notions, they misdirect the course of our inquiry. And thus the chance (however small it may be at any rate) of rectifying their

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\* Pp. 183, 184.



errors is diminished. For if these be in reality traceable to some deep-seated principle of our nature, as soon as ever one false foundation on which they have been placed is removed, another will be substituted : as soon as one theory is proved untenable, a new one will be devised in its place. And in the meantime we ourselves are liable to be lulled into a false security against errors whose real origin is to be sought in the universal propensities of human nature." \*

" Again, if the Romanists are urged to defend and explain their practice of praying for the souls of the departed, they refer us to the doctrines of their Church respecting Purgatory. But it is not really the doctrine of Purgatory which led to prayers for the dead ; on the contrary, it is doubtless the practice of praying for the dead that gave rise to that doctrine ; a doctrine which manifestly savours of having been invented to serve a purpose. Accordingly it never, I believe, found its way into the Greek Church ; though the use of prayers for the dead (difficult as it is to justify such a practice on other grounds) has long prevailed in that Church no less than in the Romish.

" If, again, we call on the Romanists to justify their invocation of saints, which seems to confer on these the divine attribute of omnipresence, they tell us that the Almighty miraculously reveals to the glorified saints in heaven the prayers addressed to them, and then listens to their intercession in behalf of the supplicants. But the real state of the case, doubtless, is, that the practice which began gradually in popular superstition, and was fostered and sanctioned by the mingled weakness and corruption of the priesthood, was afterwards supported by a theory too unfounded and too extravagantly absurd to have ever obtained a general reception, had it not come in aid of a practice already established, and which could be defended on no better grounds.

" And the same principle will apply to the greater part of the Romish errors ; the cause assigned for each of them will in general be found to be in reality its effect ;—the arguments by which it is supported to have gained currency from men's partiality for the conclusion. It is thus that we must explain, what is at first sight so great a paradox, the vast difference of effect apparently produced in minds of no contemptible powers by the same arguments ;—the frequent inefficacy of the most cogent reasonings, and the hearty satisfaction with which the most futile are often listened to and adopted. Nothing is, in general, easier than to convince one who is prepared and desirous to be convinced ; or to gain any one's full approbation of arguments tending to a conclusion he has already adopted ; or to refute triumphantly in his eyes any objections brought against what he is unwilling to doubt. An argument which shall have made one convert, or even settled one really doubting mind, though it is not of course necessarily a sound argument, will have accomplished more than one which receives the unhesitating assent and loud applause of thousands who had already embraced, or were predisposed to embrace, the conclusion." †

" It is, on many accounts, of great practical importance to trace, as far as

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\* Pp. 187-190.

† Pp. 191-193.



we are able, each error to its real source. If, for instance, we supposed the doctrine of Transubstantiation to be really founded, as the Romanists pretend, and as, no doubt, many of them sincerely believe, on the words, 'This is My body,' we might set this down as an instance in which the language of Scripture, rashly interpreted, has led to error. Doubtless there *are* such instances; but I can never believe that this is one of them, viz., that men really were *led* by the words in question to believe in Transubstantiation; for, besides the intrinsic improbability of such an error having so arisen, we have the additional proof, that the passage was before the eyes of the whole Christian world for ten centuries before the doctrine was thought of. And again, if we suppose the doctrine to have, in fact, arisen from the misinterpretation of the text, we shall expect to remove the error by showing reasons why the passage should be understood differently: a very reasonable expectation, where the doctrine has *sprung from the misinterpretation*; but quite otherwise, where, as in this case, the *misinterpretation has sprung from the doctrine*. When there was a leaning in men's minds towards the reception of the tenet, they of course looked for the best confirmation of it (however weak) that Scripture could be made to afford.

"There is no instance, however, that better exemplifies the operation of this principle, than the one immediately before us—the Romish doctrines of the Universal Supremacy, and Infallibility, of their church. If we inquire how the Romanists came so strangely to mistake the passages of Scripture to which they appeal, we shall be utterly bewildered in conjecture, unless we read backwards the lesson imprinted on *their* minds, and seek for the true cause in the natural predisposition to look out for, and implicitly trust, an infallible guide; and to find a refuge from doubts and dissensions, in the unquestioned and unlimited authority of the Church. This indeed *had* been gradually established, and vested in the Romish See, before it was distinctly claimed. Men did not submit to the authority because they were convinced it was of divine origin and infallible; but, on the contrary, they were convinced of this, because they were disposed and accustomed so to submit. The tendency to 'teach for doctrines the commandments of men,' and to acquiesce in such teaching, is not the effect, but the cause, of their being taken for the commandments of God." \*

There is a natural tendency in men to rely on the authority of others in religious matters; and indifference, laziness, and timidity,—influential elements of character, taken as a whole, in the mass of mankind,—all go to strengthen this tendency, if they may not rather be said to constitute and produce it. There is a desire natural to men, of some easy and expeditious way of getting rid of their doubts and difficulties, and attaining, without much trouble or research, to some authoritative foundation on which they think they may securely rest. This tendency is fitted to lead

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\* Pp. 195-197.

to error and danger, because the word of God does not sanction it, and makes no provision for men attaining, in this way, to a certain knowledge of the truth ; while, from the numerous temptations to error which beset men from without and from within, those who indulge this tendency, and the elements out of which it grows, will be very apt to go astray, and to become the prey of designing men, who may advance unfounded but plausible claims to the submission and obedience of their understandings. Protestantism is decidedly opposed to this erroneous and dangerous tendency. It not only does not appeal to it, or seek to derive from it any advantage ; but its principles, based upon the word of God, tend directly to counteract and eradicate it, by urging the necessity of men coming into direct and immediate contact with God Himself and His word in the matter of their salvation, and by denying, openly and fully, that the exercise of any authority, except such as is only ministerial, in religious matters, is lawful ; or that God has appointed any man, or body of men, whose decisions on these subjects are to be implicitly obeyed. The Church of Rome, on the other hand—and here lies her peculiar guilt in this matter, while it is one chief means by which she has kept men under her sway and gained many to submit to her claims—has skilfully pandered to this natural tendency of men, has given it the fullest and most solemn sanction, has habitually availed herself of its influence, and made the most ample provision for strengthening, by exercising, it. In endeavouring to establish the general position, that it is desirable and necessary that there should be a permanent judge authorized to settle all controversies in religion, the Romanists commonly appeal, not to Scripture—for it affords no countenance to the idea—but just to this very tendency of human nature, and to those low and grovelling influences to which we formerly referred, as encouraging, if not producing, it. In laying down the general position, that infallibility is necessary in order to the right execution of what are generally admitted to be the ordinary proper functions of the church as an organized society, and of the Christian ministry collectively considered, including the decision of religious controversies, they are skilfully addressing themselves to the same general tendency, and making the fullest provision for gratifying and confirming it.

Here, again, we see the peculiar guilt of the Popish system, and the special danger with which it is attended. Men, ignorant

and depraved men, have a strong natural tendency to place an undue reliance upon human authority in religious matters. God guards us against this tendency in His word, by discountenancing all reliance upon mere human authority,—by appointing no authoritative judge of religious controversies, and giving no hint of the desirableness or necessity of such a provision,—by requiring men to come into immediate contact with His own Spirit and word, that they may correctly and certainly know His mind and will,—and by demanding that every man be fully persuaded in his own mind. The Church of Rome sets itself in opposition to all this,—takes this erroneous and dangerous tendency of depraved human nature under its fostering care,—gives it all the sanction of its authority by holding it up as a principle of religion,—encourages men's indifference, sloth, and cowardice by persuading them to act upon it,—and thus contrives to lead many men, without almost any sense of responsibility, without any careful examination, and with scarcely any knowledge of the grounds on which they are proceeding, to give themselves up to dangerous error. The iniquity of the Popish system in this respect, may be regarded as exhibited in a concentrated and practical form in the simple and well-known fact, that the Popish authorities are in the habit of circulating in this country a pamphlet called "The Duke of Brunswick's Fifty Reasons for embracing the Roman Catholic Religion," and that the last of his reasons is expressed in these words:—"The Catholics to whom I spoke concerning my conversion, assured me that if I were to be damned for embracing the Catholic faith, they were ready to answer for me at the day of judgment, and to take my damnation upon themselves,—an assurance I never could extort from the ministers of any sect, in case I should live and die in their religion. Whence I inferred that the Roman Catholic faith was built upon a better foundation than any of these sects that have divided from it."\*

It is right to warn Protestants and all men against undue reliance upon human authority in religious matters, for none are

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\* This is copied from an edition of the pamphlet published at London in 1822 by Keating and Brown. It continues in great repute and general circulation. It is given entire, filling sixty pages, as an appendix to the first

volume of a Popish work of great pretensions, published at Paris in 1847, entitled "Lettres au Clergé Protestant d'Allemagne," by Monseigneur Luquet, Evêque d'Hésebon.

free from danger in this respect; but it is not right to overlook the special and pre-eminent guilt which the Popish system, as distinguished from the Protestant, has incurred in this matter, and the peculiar danger with which its influence is attended.

5. The fifth topic which Dr Whately discusses, in illustration of the general principles of his book, is persecution. It is fully conceded, that there is a tendency in human nature to persecute because of differences of opinion upon religious subjects, to treat these differences as injuries or insults to ourselves, and to punish them as such; and then this natural tendency is often strengthened and confirmed by erroneous and perverted impressions of the obligations under which men lie to God and to His truth, and of the way in which these obligations ought to be discharged. There is scarcely any one of the errors of Romanism that has a deeper foundation in human nature than this, or any one which more readily allies itself with some of the better feelings of our nature, and which can produce a larger amount of apparent, though only apparent, countenance from Scripture. And accordingly there was no one of the errors and evil tendencies of the Romish system that adhered more firmly or for a longer period to Protestants, than this. But while it is admitted that this tendency to persecute is natural to men, and has been often exhibited in practical operation by Protestants as well as Papists, and while on this account it is right that *all* men should be warned against yielding to its influence, we should not overlook the special and peculiar guilt of Popery with reference to this, as well as all the other depraved tendencies of human nature.

The first and most obvious consideration which presents itself in illustration of this, is in substance the same as that which we adduced under the head of *pious frauds*,—namely, that Papists have more openly and generally defended, and more extensively and recklessly practised persecution, than Protestants, or any other body of men, have done; from which we infer, that the Popish system is better adapted to encourage and strengthen this natural tendency than the Protestant or any other system. Protestants have seldom if ever been guilty of wholesale murders of large masses of human beings professedly upon mere grounds of religion, while these atrocities are common in the history of the Church of Rome. Protestants, even when most deeply imbued with this deplorable error, have usually re-

stricted their violence to heresiarchs, or to ringleaders in heresy, whom they regarded as leading other men astray ; while Papists have been accustomed to make scarcely any distinction between the misleaders and the misled, and to involve, as far as they could, all who they thought had gone astray from truth in one common destruction. Protestants have never been guilty of the folly and absurdity of compelling men to embrace the true religion, as if a mere external profession of what was right could be really honouring to God or beneficial to men,—their sin in this matter has been restricted to punishing and removing out of the way individuals who they thought were extensively injuring the souls of others ; while Papists have been in the habit of disregarding these distinctions, overleaping these barriers, and persecuting men in masses, avowedly for the purpose of forcing them into the true fold of Christ.

These are great aggravations of the iniquity of Romanists, as distinguished from that of Protestants, in regard to this matter of persecution, and confirm the inference we have drawn, that the Popish system must be peculiarly adapted to call forth and to strengthen this natural tendency of depraved men, and to give it an extensive influence over their conduct. This is enough for our purpose, even if we could not point out any specific features in the Popish system on which this peculiar fitness to call forth, to encourage, and to strengthen men's natural tendency to persecute, was based. But there is no difficulty in doing this. The principle of subordinating everything to the interests of the church, as a visible organized society, has just as strong a tendency to produce persecution as to produce pious frauds ; and the virtual substitution of the visible church in the room and stead of Christ, which is a leading feature of the Popish system, is well fitted to consecrate and to confirm this tendency. The supposed possession of infallibility tends to produce in men a reckless disregard of the claims and rights of others, and a pressing, at all hazards and against all opposition, of their own. The notion that opposition to the church involves a forfeiture *de jure* of ordinary civil rights and privileges, of property and life, has been long deeply ingrained in their system, and has been acted upon whenever, and in so far as, circumstances seemed to render it expedient ; while their notions about the bearing and consequences of external communion with the true visible church, have no doubt seemed to them to

give a sanction to persecuting proceedings, which would otherwise have been seen to be foolish and absurd, and which, as we have explained, no Protestants have ever adopted. It will not do, then, to slur over this matter of persecution, as is now-a-days a common and fashionable practice, merely by saying that there is a strong tendency in human nature to persecute, and that Protestants have persecuted as well as Papists. This is true, but it is not the whole truth; and it is right that on this point, as well as on every other, we should bring out the peculiar guilt and danger of the Popish system as distinguished from the Protestant,—of the Church of Rome as distinguished from the Reformed churches,—in cherishing and fostering the depraved tendencies of human nature, instead of mortifying and subduing them, and, as a consequence of this, in exhibiting in point of fact far more extensively their baneful and ruinous operation, both on the temporal and spiritual welfare of men.

There is nothing in Dr Whately's Essays on Romanism inconsistent with the representations we have now given of the system, and we have no reason to doubt that he would concur in the whole substance of what we have said. But we cannot but regard it as a defect in the work, that some little pains was not taken to guard against the impression, not unlikely to be produced by it, that Popery is not very much less safe and innocent than Protestantism, and that there is not even an *assertion* of the peculiar and pre-eminent guilt of Popery in reference to the topics discussed.

In addition to this general defect, there is a more specific omission of a somewhat peculiar kind, in the non-introduction of what is commonly known by the name of self-righteousness in its bearing upon the doctrine of justification. The general omission on which we have animadverted is not mentioned or referred to by Dr Whately, probably because it was not very directly suggested by the leading object which he proposed to himself in the composition of the work. The discussion, however, of the topic of self-righteousness, according to the views generally entertained of it by the Reformers and by Calvinistic and evangelical divines, lay so directly in the line of the course of investigation to which the work is devoted, that it was scarcely possible to omit it, without adverting to the omission and giving some explanation of its cause. Accordingly, Dr Whately has devoted the Appendix B to



an exposition of his views upon the subject of self-righteousness, and of the reasons why he did not discuss it in the body of the work, as an illustration of the "errors of Romanism having their origin in human nature." This appendix we regard as containing no small amount of serious error, and as manifesting something less than Dr Whately's usual candour and fairness. We do not deny that there have been instances among those who have held the doctrine of the Reformers with respect to justification and self-righteousness, in which that latent and insidious spiritual pride, which he exposes, has been manifested, and we willingly acknowledge that there are some of his statements upon this subject from which these persons may learn some useful lessons of warning. But we consider it unwarrantable to make statements, as he seems to do, fitted to convey the impression, that this is the natural tendency and the appropriate result of the views on this point which he opposes, and that it characterizes generally those who advocate them. The most important question, however, connected with this subject, is as to the soundness and accuracy of his reasons for omitting to give a distinct and prominent consideration to the subject of self-righteousness,—meaning thereby, an undue and unwarrantable reliance upon our own good deeds as a means of obtaining the forgiveness of sin and the enjoyment of God's favour. The substance of what he lays down on this point may, we think, be fairly enough comprehended in these two propositions,—*first*, That a tendency to self-righteousness, in the sense above explained, is neither very common nor very dangerous; and, *secondly*, that the Romanists teach no very material error upon this subject, "though they may perhaps have made an injudicious use of the word *merit*."

The examination of these positions would open up a wide field of theological discussion. We regard the maintenance of them as amounting to a virtual denial of the great doctrine of justification as taught by the Reformers and by the Apostle Paul, and as a deplorable specimen of the anti-scriptural views in regard to it which have generally prevailed in the Church of England since the time of Bishop Bull. There was no subject on which the Reformers were so unanimous, or to which they attached so much importance, as the doctrine of justification, including the exposition of the place which good works hold in the scheme of salvation. Lutherans, Calvinists, and Anglicans, at the period of the Refor-

mation, were all persuaded that the Church of Rome taught very serious error upon this subject, and they were of one mind as to what was the doctrine taught in Scripture concerning it. If Dr Whately's opinions upon this subject are correct, the Reformation, in the very matter to which its authors attached the highest importance, must have been founded wholly in misapprehension and error. For more than a century after the commencement of the Reformation, the divines of the Church of England continued to believe that the Church of Rome had very materially perverted the doctrine of Scripture upon this point. This is evident from two great works in which this subject is minutely investigated, namely, Bishop Davenant's "*Prælectiones de Justitia habituali et actuali*," published in 1631, and Bishop Downname's "*Treatise of Justification*," published in 1633. In these two works,—the best and fullest scholastic discussions of this subject which Britain has produced,—it is proved that the Church of Rome teaches very material and dangerous error in regard to the place which men's good deeds hold in the scheme of salvation; while, incidentally, it also appears from them, that the defenders of the doctrine of the Reformation upon this topic had Papists for their only antagonists, and met with no opposition from any of their own brethren. When Protestants began to corrupt the doctrine of Scripture and of the Reformation, by inculcating those views on the subject of justification which Dr Whately maintains, the Papists raised a shout of triumph, and adduced the fact as a concession, at length extorted by the force of truth, to the effect, that there was no very material difference upon this point between Protestants and the Church of Rome, and that of course one fundamental article in the theology of the Reformers was based upon misrepresentation and falsehood.\*

Ever since the time of Bishop Bull, very erroneous views upon the subject of justification have been widely prevalent in the Church of England—views in substance the same as those taught by the Church of Rome. Those who hold these views cannot but admit, as Dr Whately does, that the Church of Rome

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\* A proof of the truth of this statement, and an interesting specimen of the use made by Romish controversialists of the renunciation by some Protestants of the doctrine of the Re-

formers on the subject of justification, will be found in the work of the celebrated Jansenist Nicole, entitled "*Préjugés Légitimes contre les Calvinistes*," c. xi. pp. 270-6.



teaches no very material error upon this subject ; and, of course, must maintain, if they would speak out, that the Reformers were defeated in argument by the Romanists, in that very matter which they reckoned the article of a standing or a falling church. It is true that the decrees and canons of the Council of Trent upon this subject are drawn up with a good deal of caution and cunning, and are well fitted to deceive those who have not thoroughly investigated it. But in the writings of the two great divines to whom we have referred, and in those of other old divines of the Church of England who might be mentioned, it is proved, we think, beyond the possibility of answer, that the Church of Rome does teach very serious error upon this important subject ; and that the general scope and tendency of all the error she teaches, is just to cherish and foster self-righteousness in men's minds,—that is, to lead them to place a reliance upon their own good works as a means of obtaining forgiveness of sin and the favour of God, which the Sacred Scriptures not only do not sanction, but condemn and denounce.

The history of religion in every age and country seems to us to make it manifest, that there is in human nature a powerful tendency leading men to place a measure of reliance upon their own good deeds—their own compliance with the laws of morality—as a means of obtaining pardon and acceptance from God, which is clearly precluded by the whole substance of what is taught in Scripture, concerning men's natural state of guilt and sinfulness, and concerning the remedy which has been provided for it. And the truth of this position is in no degree invalidated by the truth of another,—namely, that men have a strong natural tendency to rely unduly, with the same view, upon their external religious observances, and even to substitute the observance of religious ceremonies for the performance of moral duties. These two tendencies are perfectly consistent with, and mutually auxiliary to, each other. And in adducing and establishing against the Church of Rome the charge of fostering and cherishing men's natural tendency to self-righteousness, we have no difficulty in showing that it encourages men to rely unduly and unwarrantably *both* on good works, or external conformity to the moral law, and on outward ceremonies. It does the former by its anti-scriptural doctrines as to the meaning, the nature, the causes, and the grounds of justification, and by an error on the

subject of the *merit* of good works, going very far beyond what Dr Whately calls “the *perhaps* injudicious use of a word.” It does the latter by inventing and imposing a host of unauthorized rites and ceremonies, and teaching men to regard them as conveying and conferring grace. There is perhaps no more striking proof of the strength of this tendency than its prevalence in a large section of professedly Christian and Protestant society. If we investigate the state of mind of the great body of those whom we see around us in the world,—not the openly profligate but the externally decent,—we will be satisfied, that the more ignorant they are of religion, and the more indifferent they are habitually to all their responsibilities and obligations as immortal beings, the more are they disposed to rely upon their own good deeds, or external observances, as a ground of hope towards God.

There is, then, in human nature, a powerful tendency to self-righteousness. The Popish system, in place of seeking to eradicate this, as evangelical Protestantism does, is fitted to confirm and extend it. And there is no one aspect in which Popery can be contemplated, better fitted to illustrate its injurious bearing upon the spiritual welfare of men, than when we survey those of its tenets and practices above referred to, in connection with that tendency of human nature to which they are so skilfully accommodated. The Apostle Paul seems to have found this strong natural tendency of men to self-righteousness to be the great obstacle to the success of his labours; and the experience of most men who have rightly understood the real nature of the Apostle’s object, and who have adopted *his* method of seeking to effect it, has been of a similar kind. It was this tendency to self-righteousness that was most influential in making the preaching of Christ crucified a stumbling-block to the Jews, and foolishness to the Greeks. It is still true, we fear, in regard to multitudes to whom Christianity has been made known, that “they, being ignorant of God’s righteousness, and going about to establish their own righteousness, have not submitted themselves unto the righteousness of God.”\* And this statement of the Apostle’s applies perhaps more fully and emphatically to the victims of Popish delusion, than to any class of men within whose reach Christianity has been brought. The whole system is fitted to keep them in ignorance

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\* Rom. x. 3.

of God's righteousness, to encourage them to go about to establish their own righteousness, and thereby to prevent them from submitting unto God's righteousness, the only scheme or provision by which sinners can be saved. If there be any principle better entitled than all others to a place in an exposition of the depraved tendencies of human nature in which the errors of Romanism originate, and if there be any error of Romanism against which it is peculiarly important to warn Protestants, it is self-righteousness, or an undue reliance upon good works and religious observances as a means of procuring forgiveness and acceptance from God.

There is one of Dr Whately's colleagues on the Irish episcopal bench, who holds what are, in our judgment, much more scriptural views on the subject of justification and good works, and the relation in which they stand to each other,—namely, Dr O'Brien, Bishop of Ossory. Dr O'Brien has rendered an important service to what we believe to be the cause of truth in this matter, in his work, entitled "An Attempt to Explain and Establish the Doctrine of Justification by Faith only." The revival in the Church of England of the scriptural doctrine of the Reformers upon this important subject, has found in Dr O'Brien a worthy representative and advocate. His work is an able and learned defence of what we believe to be the true doctrine of the Sacred Scriptures, of the whole body of the Reformers, and of the authors of the symbolical books of the Church of England, upon the subject of justification. It is peculiarly valuable to the theological student, because of the fulness with which it adduces the evidence, that the Reformers unanimously maintained, in opposition to the Romanists, those views upon that subject which have been generally rejected by the divines of the Church of England ever since Bishop Bull's time.\*

Dr Whately, in a note to the above-mentioned Appendix,† gives a brief indication of the general method by which he would attempt to show that the Apostle Paul, in his Epistle to the Romans, did not teach the doctrine on the subject of justification

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\* This very valuable work of Dr O'Brien's is out of print, and cannot be procured. Why is it not reprinted? What has become of Dr O'Brien's promised History of the Doctrine of Justification? This is a noble sub-

ject, and in his hands would be most useful and interesting. (A second edition of Dr O'Brien's Sermons has been recently published (1862), with considerable additions.—EDRS.)

† Pp. 368, 369.

which the Reformers deduced from his statements; and plainly hints, that by the very same process it might be shown, that the Reformers did not teach the doctrines which have been generally ascribed to them by those who have most highly valued and most carefully studied their writings. It is in substance this,—that the Apostle, in discussing the subject of justification, was dealing with men who did not place their reliance for pardon and acceptance upon their good works properly so called,—upon the performance of moral duties,—upon any conformity, even in external action, to the moral law,—but merely upon ceremonial observances; and that the Reformers had to do with a similar class of persons and of notions. He says, “The error which is perhaps the commonest among Protestants upon this point, is that of forgetting that the ‘works’ by which the Pharisees sought to establish their own righteousness, ‘which was of the law,’ were not the performance of moral duties, but ceremonial observances.” And again: “An error very nearly the same had crept in among us to a vast extent before the Reformation. ‘Good works’ had come to signify principally, if not exclusively, pilgrimages, fasts, genuflexions, and ceremonial observances of various kinds; and hence our Reformers use much the same language as the Apostle Paul, with the same meaning, and on a like occasion.”

The notion which Dr Whately seems to intend to convey by these statements is, that *the works* which Paul and the Reformers so absolutely excluded from the matter of justification,—to which they so strenuously denied all justifying efficacy,—were merely ceremonial observances. He admits, indeed, that “to found a claim to immortal happiness, on the ground of morality of life, would have been an error,” and that both Paul and the Reformers “were well aware that virtuous actions can never give a man a claim to the Christian promises, independently of Christian faith; and also that the best actions—in themselves the best—are not acceptable in God’s sight (indeed, are not even morally virtuous at all), independently of the principle from which they spring.” But these are statements to which no Romanist would object; and we are not at present considering the whole subject of justification, or Dr Whately’s views concerning it, but merely advert-  
ing to the interpretation he puts upon a portion of the language employed by Paul and the Reformers, in treating of it. And with reference to this point, we regard as fully warranted the

statement we have made,—namely, that he is of opinion, that the works to which Paul and the Reformers so strenuously denied all justifying efficacy were ceremonial observances. It is well known that this is one of the interpretations which have been proposed and advocated, for the purpose of showing that Paul taught the doctrine of the Church of Rome, and not the doctrine of the Reformers, upon the subject of justification. We have no hesitation in saying, that we regard it as the most indefensible of all the misinterpretations of the Apostle's language that have been put forth with that view. This interpretation of the Apostle's language has been generally rejected by the more judicious of those, whether Romanists or Protestants, who have concurred in the main in Dr Whately's opinions on the subject of justification. Cardinal Bellarmine, in treating of this point, says, "Some Catholics teach that, by the *works* which the Apostle excludes from justification, must be understood the observance of legal ceremonies, circumcision, the Sabbath, new moons, etc. But it is the uniform opinion of St Augustine, and without doubt it is most true, that by works which are opposed to faith, and are excluded from justification, must be understood the works which precede faith, and are performed by the mere power of free will."\* Bishop Bull's leading positions upon the subject are these:—*first*, That by *works* the Apostle understood obedience to the whole Mosaic law; *secondly*, That in discussing the Mosaic law as a whole, and showing that obedience to it could exert no efficacy in procuring justification, he at the same time exposes some Jewish dogmas which had been combined with it; and, *thirdly*, That as he had also to do with the Gentile philosophers, he argues also against the works of the natural law, or obedience rendered to the moral law by the mere powers of nature, without divine grace, though he does this only incidentally, and by the by.† It seems to us very manifest, that the works which Paul excludes from any efficacy in procuring justification, include all this, *at least*; nay, we have no doubt it has been proved, that they include not merely

\* Bellarmin. de Justific., lib. i. c. xix. Tam hoc manifestum est, ut cum olim nonnulli ex Romanæ ecclesiæ addictis hac exceptione usi sint, Paulum, Rom. iii. 28, alibique, opera solum legis cæremonialis a justificatione excludere: recentiores tamen,

quam parum illi insit roboris, animadvertentes, aliam hinc se expediendi ingressi sint viam. J. F. Buddei Ecclesia Apostolica, c. iii. s. iii. p. 151.

† Bull's Harmonia Apostolica, Diss. ii. c. vi. pp. 93-100.

obedience to the whole law of Moses,—the moral as well as the ceremonial part of it,—not merely works externally conformed to the moral law proceeding from men's natural powers without faith or grace, but also, moreover, absolutely and universally, obedience to law as law,—conformity to legal requirements as such. All this, we believe, the Apostle excludes from the matter of justification,—to all this he denies any efficacy in procuring for men the forgiveness of their sins and the enjoyment of God's favour.

The chief grounds on which Dr Whately seems to found the interpretation he gives of the Apostle's language are, that he was disputing with the Pharisees,—that therefore his words must be understood only in the sense which the work of refuting them requires,—and that they were openly immoral men, who did not profess to rely upon their good works or external morality, but only on ceremonial observances. We object both to the general principle of interpretation indicated in this mode of arguing, and to the application which is here made of it. We do not deny the importance of ascertaining as fully as possible the precise and immediate object which the inspired writers had in view in the statements they made upon any occasion, and the propriety of applying this for the purpose of bringing out the meaning and bearing of what they may have said. But we maintain that there is no improbability in the idea, that men, whether inspired or uninspired, may, in discussing a particular subject, be led on to make statements more wide and comprehensive than what the precise topic with which the discussion started obviously suggested or necessarily required, and that they may use language, in the course of the discussion, so plain as to make the fact that they had been led to do this altogether unquestionable. We believe that the Apostle's language so clearly and certainly excludes from the ground of justification obedience to the whole Mosaic law *at least*, that we would feel ourselves constrained to ascribe this doctrine to him, even though he had commenced his argument by expressly telling us that he was about to expose the reliance which the Pharisees placed on ceremonial observances. But there is no ground whatever for believing that this was his sole or even his principal object. He was dealing not so much with the practice as with the doctrine of the Pharisees; and we have conclusive evidence that they professed to rely for acceptance with God upon their obedience to the whole Mosaic law, and taught that this was



a legitimate and valid ground of confidence. The application which Paul makes of his own case and character while a Pharisee, ought to have precluded the whole process of thought on which Dr Whately grounds his misinterpretation of the Apostle's language.\*

Dr Whately's statement, that "our Reformers used much the same language as the Apostle Paul, with the same meaning, and on a like occasion," is plainly intended to convey the notion that the "good works" which they excluded from all efficacy in procuring forgiveness and acceptance, were merely outward ceremonial observances. This notion we believe to be entirely unfounded, to be wholly inconsistent both with the historical facts as to what they had to oppose in the Church of Rome, where the meritorious efficacy of repentance and moral duties in procuring the divine favour was openly proclaimed, and with the true and plain meaning of their own statements as to what they intended to teach.

There is one other feature in Dr Whately's Essays which we must notice. He presents an interesting and important view of the Popish system in the following passage:—"The peculiar character of Romanism (and also of the religion of the Greek Church) in this respect, will be best perceived by contrasting it with Mahometism. This latter system was framed, and introduced, and established, within a very short space of time, by a deliberately-designing impostor; who did indeed most artfully accommodate that system to man's nature, but did not wait for the gradual and spontaneous operations of human nature to produce it. He reared at once the standard of proselytism, and imposed on his followers a code of doctrines and laws ready-framed for their reception. The tree which he planted did indeed find a congenial soil; but he planted it at once, with its trunk full-formed and its branches displayed. The Romish system, on

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\* For a full investigation of the erroneous notions on the subject of justification and good works that generally prevailed in the apostolic age, both among Jews and Gentiles, and for a conclusive proof, as we think, that all that can be ascertained upon this point confirms decidedly the interpretation put upon Paul's language by the Reformers, we refer to two eminent divines, the first a Calvinist, and the second a Lutheran, Witsius and Buddæus. See Witsii *Miscellanea Sacra*, tom. ii. Exercit. xx. xxi. xxii. xxiii., and Buddei *Ecclesia Apostolica*, c. iii. s. iii.

the contrary, rose insensibly like a young plant from the seed, making a progress scarcely perceptible from year to year, till at length it had fixed its root deeply in the soil, and spread its baneful shade far around.

Infecunda quidem, sed læta et fortia surgunt ;  
Quippe solo *natura* subest ;

it was the natural offspring of man's frail and corrupt character, and it needed no sedulous culture. No one, accordingly, can point out any precise period at which this 'mystery of iniquity'—the system of Romish and Grecian corruptions—first began, or specify any person who introduced it. No one, in fact, ever did introduce any such system. The corruptions crept in one by one; originating for the most part with an ignorant and depraved *people*, but connived at, cherished, consecrated, and successively established by a debased and worldly-minded ministry; and modified by them just so far as might best favour the views of their secular ambition. But the system, thus gradually compacted, was not the deliberate contrivance of any one man or set of men, adepts in priestcraft, and foreseeing and designing the entire result. The corruptions of the unreformed Church were the natural offspring of human passions, not checked and regulated by those who ought to have been ministers of the Gospel, but who, on the contrary, were ever ready to indulge and encourage men's weakness and wickedness, provided they could turn it to their own advantage. The good seed 'fell among thorns,' which, being fostered by those who should have been occupied in rooting them out, not only 'sprang up with it,' but finally choked and overpowered it."\*

There is, no doubt, a great deal of truth in this passage, and in others to the same effect which occur in different parts of the work. But we are disposed to think that the statement as a whole is somewhat exaggerated, and to assign a larger share of influence to the priesthood in devising and fabricating the Popish system. Not only did the priests share equally in the same natural tendencies which led the people to desire and to welcome the system of tenets and practices which constitutes Popery; but they were, for many reasons, much more likely to give to the appropriate

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\* Pp. 7-9.



results of these tendencies the fullest expression and the most ample encouragement. It is a view of Popery that ought never to be overlooked, that its tenets and practices, individually and collectively, though they have their origin in human nature, are also admirably adapted to increase the influence and promote the selfish interests of the priesthood,—a fact which indicates pretty plainly the source to which their growth and development are to be mainly ascribed. And there is another view of Popery that ought never to be forgotten,—namely, that all its peculiar tenets and practices, while having their origin in human nature, and while fitted and designed to increase the influence of the priesthood, are also adapted to lead men to form erroneous views of the doctrines inculcated, and the duties enjoined, in the sacred Scriptures. They thus tend to prevent men from making a right use and improvement of the revelation which God has given them, and in this way to endanger their spiritual and eternal welfare. There are thus three leading general views of Popery, all of which must be taken into account in order that we may thoroughly understand and appreciate that most marvellous system. Its tenets and practices have their origin in certain tendencies of human nature, and this view is fitted to impress those useful practical lessons which Dr Whately has so well illustrated. They are all fitted, equally and at once, to promote the two great objects of advancing the influence of the priesthood and endangering men's spiritual welfare. The most remarkable thing in the history of Popery is, that, gradually, during a long series of years, and through the labours of many individuals, not acting on a preconcerted plan, a system should have grown up, which is admirably compacted and thoroughly consistent in all its parts, and which, in all its provisions and arrangements, the most minute as well as the most important, is fitted to secure the two great objects to which we have referred. We are persuaded, as we have already intimated, that this can be explained only by means of the principle, which appears to us to be clearly taught in Scripture,—namely, that Popery, in its complex character and as a system, is Satan's great scheme for frustrating the leading objects of the Christian revelation.

## CHAPTER II.

### ROMANIST THEORY OF DEVELOPMENT.\*

AN important crisis has taken place in the history of the High Church or Tractarian movement, which has of late years excited so much interest in this country. Almost all who were capable of rightly appreciating that movement believed and declared that its character and tendency were Popish, while its friends maintained that it was the best preservative against the reviving influence of Rome. This point, at least, may be regarded as being now practically decided. The leader of the movement, the most able and learned man among the whole body of the Tractarians, accompanied by a large number of followers, has abandoned the ministry of the Church of England, and joined the communion of the Church of Rome. No event of a similar character has taken place in any Protestant church since the Reformation. Individual instances of the apostasy of Protestant ministers to the Church of Rome have occurred in almost all the Reformed churches, but never before has it been exhibited on so large a scale. It is true that the great body of the English clergy, who had been Protestants under King Edward, became Roman Catholics under Queen Mary, and returned to Protestantism upon the accession of Queen Elizabeth; but these were manifestly men of no religion, who regulated their ecclesiastical profession by regard to the law of the land, and the object of keeping their benefices. Some French Protestant ministers went over to the Church of Rome both before and after the revocation of the edict of Nantes; but they were few in number, and were evidently influenced by merely secular considerations. The last Popish movement in the Church of England, under the reign of Archbishop Laud,—a movement singularly similar, both in its general features and in

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\* NORTH BRITISH REVIEW, No. x., Art. 5. August 1846.—*An Essay on the Development of Christian Doctrine.* | By JOHN HENRY NEWMAN, Author of Lectures on the Prophetical Office of the Church. 8vo. London, 1845.

many of its details, to that which we have witnessed in our own day,—was prevented from reaching its full development ecclesiastically, by the great political changes which it contributed to produce. The secession of Mr Newman and his friends is the first instance in the history of the Reformed churches, in which a considerable body of Protestant clergymen have simultaneously, and from conviction, gone over to the Church of Rome; and the event thus standing, as it does, single and alone, is well fitted to arrest attention, and to afford useful lessons and solemn warnings to the churches of Christ. In saying that Mr Newman has acted from conviction in this matter, we do not mean that he has incurred no additional guilt by falling into still deeper error than before, for we have no doubt that he has; but only that he had really come to be convinced that he ought to enter the Church of Rome, and that he has not joined it merely in outward profession, without a real corresponding conviction, or under the influence of secular motives. Most men would probably have had a higher opinion of the integrity of Mr Newman and his friends, if they had left the Church of England somewhat sooner than they did. But we are not disposed to make much of the difficulties and inconsistencies of a transition process, because we are persuaded that men's opinions may gradually undergo a change, requiring them in consistency to alter their ecclesiastical position, without being themselves able to fix the precise period when the change really took place, and without even being very distinctly aware for a time that they had overleaped, in the progress of their views, the barriers which had once restrained them. Having this persuasion, we do not doubt the truth of the declaration which Mr Newman makes in his Postscript to the "Essay on the Development of Christian Doctrine:"—"Since the above was written, the Author has joined the Catholic Church. It was his intention and wish to have carried his Volume through the Press before deciding finally on this step. But when he had got some way in the printing, he recognised in himself a conviction of the truth of the conclusion to which the discussion leads, so clear as to supersede further deliberation. Shortly afterwards, circumstances gave him the opportunity of acting upon it, and he felt that he had no warrant for refusing to do so."\*

Mr Newman and his friends have not been driven from

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\* P. x.

the Church of England, as they ought to have been. They have retired voluntarily, and in doing so they have not been influenced by a regard to merely worldly or secular interests; and, therefore, though we have no doubt that they have incurred guilt in the sight of God by the adoption of the errors which have led them to take this step, we must admit that they have joined the Church of Rome from a real conviction that it was their duty to do so. The voluntary secession of Mr Newman, and so many of his friends, places the Church of England in a very awkward and somewhat degrading position, proving, as it does, that, from some cause or other, she is either unable or unwilling to execute aright the proper functions of a church of Christ in the exercise of discipline. Some of these men had long publicly manifested unsoundness in the faith and decidedly Romanizing tendencies; and, though they might deceive themselves upon the point, there could be little doubt in the minds of others, that, from the views they professed and the course they were pursuing, they were unworthy to be allowed to hold the cure of souls in a church which professed to adhere to the Thirty-nine Articles. But no ecclesiastical discipline was brought to bear upon them. Though they had given sufficient evidence that they were heretics, they were not "rejected," nay, they were not even judicially admonished by their ecclesiastical superiors; and at length, when it pleased themselves, they coolly and deliberately marched out in triumph, looking down, no doubt, with contempt, as they were well entitled to do, upon the church which ought to have expelled them from its communion. Will the Church of England always be contented with an annual wish for the restoration of the "godly discipline of the primitive church," without making one serious attempt to restore it? Will Archbishop Whately now resume his unsuccessful attempt to discover or establish a just power of internal self-government in the United Church of England and Ireland? or will he be satisfied in the meantime with the power of preventing his inferior clergy from joining the Evangelical Alliance?

One lesson is most impressively taught us by the late secession from the Church of England; and this is, that the mere diffusion of education and of general knowledge does not, of itself, afford any adequate security against the revival and extension of Romanism. Many have been accustomed to cherish the notion that, in the midst of the light and liberty of the nineteenth century, it was

quite chimerical to apprehend that Popery, with all its fooleries and absurdities, could ever again acquire any influence over the minds of men. But we have seen a system which is in substance Popery, and includes a great deal of what is usually reckoned most irrational and absurd in the tenets and practices of the Church of Rome, spread with marvellous rapidity among the most highly educated youth of our country,—the men who are likely to be the future legislators of the British empire. We have seen this system embraced, more or less fully, by a large number of the clergy of a church which has long boasted, and not without cause, of its literary reputation, and of its efficiency as a bulwark of Protestantism. And at length we have seen the leader of this section of the clergy, with a considerable number of followers, openly profess himself a thorough convert to the Popish system in all its details, and throw himself into the arms of the Church of Rome. These facts will surely dispel from men's minds, for a time at least, the delusion, that the extension of education and the spread of secular knowledge afford of themselves an adequate security against the extension of Romanism. That system, we know, is to be consumed by the spirit of Jehovah's mouth, and destroyed by the brightness of His coming; and no agency of inferior potency will be able to resist its progress, now that it has begun to revive and to exert itself.

Although Mr Newman's Essay on the *Development of Christian Doctrine* was written and partly printed, as we have seen, before he saw it to be his duty to abandon the Church of England, and to join the Church of Rome, it may be justly regarded as being substantially an exposition of the process of thought by which he convinced himself of the truth of Romanism, and of the course of argumentation by which he thinks that system can be best defended. It is in this light chiefly that the work ought to be viewed; and it is only when we try it by this standard that we can form a just estimate of its value and importance. Mr Newman's general character as an author is well known to the British public, and we do not mean to attempt to give anything like an analysis of his merits or defects. It is enough to say, that this work will not detract from his reputation in a merely literary point of view, and that it affords satisfactory proof that there is no ground whatever to ascribe his conversion to Romanism to the decay of his intellectual powers, or to the loss of any portion of the ecclesiastical erudition which he had acquired.

The work would probably have possessed a larger measure of personal interest, if Mr Newman had more formally set himself to describe the steps of his progress from the *via media*, which he formerly occupied, to the extreme of Romanism,—developing the changes which had taken place in his views from the commencement of the Tractarian movement till he found rest in an infallible church, and the grounds on which he would defend them. He does, we think, owe such a work to his former friends, who have not yet seen their way to follow him in joining that church, out of which he now, of course, believes that there is no salvation. There is not much, however, in the present work which bears very directly upon this view of the subject, as it is mainly devoted to the object of expounding one general argument in favour of Romanism, or rather,—for we will show that this is the whole amount of the logical result of the book,—evading one obvious and important argument *against* the claims of the Church of Rome. We are naturally curious to know what Mr Newman now makes of the views which he formerly held, and to learn how he has disposed of them. But he has not thought proper to give us much satisfaction upon this point. In his Advertisement he repeats a retraction, which he admits that he had published “some years since,” of all the principal statements which his works contained, in opposition to the doctrines and practices of the Church of Rome; but he gives no specification of the grounds of the changes which had taken place in his opinions. In the course of the work he gives many quotations from his former productions, but generally for the purpose of showing that, without any, or with very slight modifications, they express the views which he still entertains, and continue to serve the purposes of his present argument. This is about all that the work presents to us, fitted to throw any direct light upon the relation between his present and his former opinions, with one important exception, to which we may advert before proceeding to explain the argument and object of the book.

In his Introduction he explains at some length to what extent, and upon what grounds, he has now modified, or rather abandoned, his former views of the fundamental principle of the Tractarians, or Anglo-Catholics, as they call themselves, about Catholic consent, and of the truth and practical utility of the famous rule of Vincentius of Lerins, *quod semper, quod ubique, quod ab omnibus*. The Tractarians in general, and Mr Newman himself while be-

longing to that party, had asserted, as fully and offensively as the Romanists had done, the imperfection and insufficiency of the sacred Scriptures, their unfitness to teach men the whole revealed will of God; and they had defended "catholic consent" as a legitimate and authentic means of supplying the deficiencies of Scripture,—meaning thereby, in general, that from the views commonly held, and the practices commonly observed, in some subsequent age or ages of the church, there could be learned more clearly, fully, and authentically than from the Bible, all that was inculcated and prescribed by the inspired apostles. They then, somewhat arbitrarily, selected the leading authors of the latter part of the fourth, and of the early part of the fifth centuries, as exhibiting or embodying this catholic consent, and insisted that the church in all subsequent ages was to take as her standard of doctrine and practice the system which generally prevailed during the century that succeeded the first Council of Nice. This notion, of course, was founded upon the assumption that the apostles had inculcated many things for the guidance of the church which were not contained in the Scriptures, which were handed down correctly by oral tradition, and which, though very obscurely and imperfectly developed during the first three centuries, were brought out with completeness and accuracy in the writings of the fourth and fifth. This was in substance the doctrine which had been long taught by the Church of Rome concerning the insufficiency of the Scriptures and the authority of tradition; and Dr Pusey had the honesty and the courage to admit that the difference between Tractarians and Romanists upon this subject was one not of doctrine, but of fact. In his "Earnest Remonstrance" he had said, "Our controversy with Rome is not an *a priori* question on the value of tradition in itself, or at an earlier period of the church, or of such traditions as, though not contained in Scripture, are primitive, universal, and apostolical, but it is *one purely historical*, that the Romanist traditions not being such, but, on the contrary, repugnant to Scripture, are not to be received;" while Mr Newman, speaking in the name of his party, had said, "We agree with the Romanist in appealing to antiquity as our great teacher."

Protestants have always been accustomed to meet these views, whether put forth by Roman Catholics or Anglo-Catholics, by establishing the sufficiency and perfection of the sacred Scriptures as the only rule of faith, and by proving that we have not in



point of fact any certain means of knowing accurately what was declared and prescribed by the apostles, except from the writings of the New Testament. These are the fundamental matters of principle or doctrine, with respect to which Romanists and Tractarians are of one mind, and all true Protestants are decidedly opposed to them. But Protestants in general have further undertaken to prove, and have proved, *first*, That even during the second and third centuries of the Christian era, the doctrine and discipline of the church, as settled by the apostles, were not preserved in all their original purity, and that corruption continued to increase and extend during the fourth and fifth centuries; and, *secondly*, That the full system of Romish doctrine and practice, as completed and established at the Council of Trent, is not sanctioned by the tradition of the fourth and fifth centuries, and has scarcely any countenance whatever from anything to be found in the second and third. The Tractarians have usually admitted this second position, and this is the "purely historical" point on which they differ from the Romanists. But, agreeing with the Church of Rome in the general doctrine of the insufficiency of the Scriptures, and of the authority of oral tradition, and finding in the fourth and fifth centuries about as much of corruption and impurity in doctrine, government, and worship, as suited their taste at the time, they have selected that era as the period when the apostolic teaching was fully brought out, and where it may be found authentically embodied; and without producing, or attempting to produce, any other argument than the general Romish doctrines about catholic consent, the consent of the fathers, and the authority of tradition, they have demanded that the church should receive as an authoritative and practically infallible standard the system of the immediately post-Nicene age. Mr Newman of course can no longer concur in this position, and a considerable part of his Introduction is occupied with an attempt to remove it out of the way. He takes up the famous maxim of Vincentius, *quod semper, quod ubique, quod ab omnibus*, of which he himself and his Tractarian brethren used to boast so much, and shows conclusively, as many sound Protestants have done before him, that from its vagueness and ambiguity, and the difficulty of applying it, it is of little or no real practical utility. The truth is, that Romanists, though they have laboured to mislead men by talking much about catholic consent and the unanimous testimony of the fathers,



have been always aware, and have been sometimes led to confess, that there is much about the system of modern Popery which cannot be traced by anything like a chain of testimonies to apostolic times, or even to the third century. Mr Newman having found in the doctrine of development what he reckons a good substitute, virtually abandons for all practical purposes the views which Tractarians and Romanists have been accustomed to propound about Catholic consent and the unanimous testimony of the fathers, and more especially labours to prove, against his old friends, that in so far as the rule of Vincentius admits of practical application, there is no reason why they should stop, in applying it, at the fifth century, and refuse to admit some Romish doctrines which they still reject. He says: "The rule is more serviceable in determining what is not, than what is Christianity; it is irresistible against Protestantism, and in one sense, indeed, it is irresistible against Rome also, but in the same sense it is irresistible against England. It strikes at Rome through England. It admits of being interpreted in one of two ways; if it be narrowed for the purpose of disproving the catholicity of the creed of Pope Pius, it becomes also an objection to the Athanasian; and if it be relaxed to admit the doctrines retained by the English Church, it no longer excludes certain doctrines of Rome which that Church denies. It cannot at once condemn St Thomas and St Bernard, and defend St Athanasius and St Gregory Nazienzen."\*

There is certainly much less authority in the tradition of the early church and in the writings of the fathers, for the creed of Pope Pius, than for that of Athanasius, and there is no difficulty in proving that St Thomas and St Bernard held some Romish doctrines which were unknown to Gregory Nazienzen; but it must be conceded to Mr Newman that the difference is merely in degree, and that unless some other standard than catholic consent, or the rule of Vincentius, be introduced, it is impossible to attain to anything like certainty.

In disposing of catholic consent and the rule of Vincentius, or at least of the application made of them by his old friends, Mr Newman dwells at some length upon the testimony of antiquity on the subject of the Trinity; and as he admits that he has changed his opinion upon this point, and as the topic is otherwise

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\* P. 9.

interesting as illustrating the way in which different parties have been led to deal with catholic consent or the testimony of the fathers, as suited their purpose at the time, it may be proper to advert to it. Trinitarians have generally claimed the testimony of the first three centuries of the church as supporting their doctrine, while anti-Trinitarians have disputed this. Some Trinitarians, however, have admitted that the testimony of the ante-Nicene church upon this subject is not, as a whole, very distinct or explicit, and is not conclusive against Arianism. The Jesuit, Dionysius Petavius, or Denis Petau—universally admitted to be a man of great talent and learning—is perhaps the most eminent man who has conceded this to the enemies of the truth. Bishop Bull, the great defender of the orthodoxy of the ante-Nicene church, who was also a man of great ability and erudition, though he carried his veneration for antiquity about as far as the most childish and ignorant Tractarian, charged Petavius with perverting the testimony of the primitive church on this point, and alleged that his motives for doing so were these,—*first*, that he might undermine the authority of the fathers of the second and third centuries, conscious that the Church of Rome could get very little countenance from that quarter; and, *secondly*, that he might establish the right of the later church, and of General Councils, to introduce new articles of faith.\*

Mr Newman, while only a Tractarian, concurred with Bishop Bull in denouncing Petavius, and in impugning his motives, having charged him with showing, “that he would rather prove the early confessors and martyrs to be heterodox, than that they should exist as a court of appeal from the decisions of his own church;” and with “sacrificing them, without remorse, to the maintenance of the infallibility of Rome.” And, indeed, the Tractarians generally were accustomed to maintain that the doctrine of the Trinity could not be learned with clearness and certainty from Scripture, but only from the testimony of the fathers.†

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\* See Historical Theology, vol. i. p. 269. (Edrs.)

† The Tractarians have followed the Romanists in manifesting a perfect willingness to betray the interests and to undermine the authority of what they themselves profess to regard as truth, whenever this seems fitted to

serve any of their own special objects. And this baneful tendency has been exhibited not only by those who are more fully identified with the Tracts for the Times, but by other High Churchmen who have found it convenient to disclaim connection with them, and by none more offensively

Mr Newman, however, has now seen cause to assume Petavius' standing-point, and may, without any great breach of charity, be supposed to be rather desirous to break down the authority of the early, as distinguished from the later, ages of the church; while, at the same time, his system requires him to look about for presumptions in support of what he calls a "developing authority," entitled at any time to introduce and establish new articles of faith. Certain it is that in his present work he takes a different view of the matter from that which he once held, abandons Bull, and follows Petavius, whom he had denounced, in adducing detailed evidence of what he now regards as the obscurity and the error exhibited by some of the fathers of the second and third centuries upon the great doctrine of the Trinity. We think Bull's censure of Petavius rather harsh, for the point under consideration is certainly one where there is room for an honest difference of opinion; but still we have some doubt whether Mr Newman's *change of mind* upon this subject is to be ascribed solely to a more diligent and impartial examination of the evidence. It is curious and instructive to notice the different phases which the discussion of this incidental topic has presented in the course of this contro-

than by Dr Hook of Leeds. In his notes to his Visitation Sermon, he asserts that those who believe the Bible to be the only rule of faith, have no right to refuse to regard a Socinian as a Christian; and he follows up the declaration by this astounding statement:—"I believe it to be only on account of their being bad logicians that they are not Socinians;" which is just, in plain terms, to assert that the Bible, accurately interpreted, according to the rules of sound criticism, sanctions the Socinian heresy. Romanists have generally contented themselves with asserting the *difficulty* of answering the Socinians from Scripture alone, while Dr Hook here boldly maintains the *impossibility* of doing so. It is true that Father Simon, of the Oratory, went as far as Dr Hook; for he said, in the Preface to the first edition of his Critical History of the Old Testament, that "without tradition we cannot answer the Socinians." But then he is strongly suspected to have been a thorough infidel, though

he lived and died in the communion of the Church of Rome.

As a specimen of the way in which this topic is usually discussed by the more respectable Romanists, we give the following extract from Nicole, who was the friend and coadjutor of Pascal and Arnauld, and vastly superior as a *logician* to Dr Hook or any of the modern High Churchmen:—"On demeure très-volontiers d'accord, que les preuves par lesquelles on combat les Sociniens sont convaincantes, et que l'on n'y peut répondre raisonnablement. Mais elles le sont par de longues discussions et de longs raisonnemens, par des comparaisons de passages de l'Ecriture, qui en fixent le sens. Tout cela demande beaucoup d'application et beaucoup de tems, une assez grande intelligence des langues, assez d'étendue d'esprit; et par conséquent n'est aucunement proportionné aux simples, aux gens de travail, aux femmes et aux enfans."—*Les Préendus Réformez Convaincus de Schisme*. —P. iii. c. xiv. p. 338.

versy. Mr Newman and the Tractarians maintained that the doctrine of the Trinity could not be clearly and fully learned from Scripture, but that it was thoroughly established by the catholic consent of the first four centuries. Mr Goode, in his "Divine Rule of Faith and Practice,"—a work of very great value and importance, giving a most thorough and learned exposure of Tractarianism and its leading advocates, Newman, Pusey, and Keble,—maintains that the doctrine is clearly and fully taught in Scripture, but is very imperfectly and erroneously set forth by many of the fathers of the second and third centuries, adopting on this latter point the view of Petavius, and defending him against Bull and Newman; while Mr Newman has now come to think that the testimony of the second and third centuries is about as obscure and defective as that of the sacred Scriptures, and that we must rest, for our full knowledge and assured belief of this fundamental doctrine, upon the testimony of a later age and the authority of the Church of Rome.\*

But the more direct and peculiar object of Mr Newman's book may be described, in general, as an attempt to explain the historical aspects of Christianity, or the different phases which the history of the Christian church has presented, by means of a particular hypothesis or theory, called the theory of development. The author starts with the principle, that as Christianity has now been eighteen hundred years before the world, much may be learned as to its true nature, constituent elements, and tendency, from a survey of its history. He then very summarily dismisses Protestantism, as having no claim whatever to be the Christianity which the history of the church presents to our favour and acceptance; and thereafter proceeds to propound his theory of development, for the purpose of showing that Romanism is true historical Christianity, or at least—for this is really all that his theory, even if admitted, establishes—that there is nothing in the history of Christianity which militates seriously against the claims of the Church of Rome. Mr Newman has an ingenious and subtle, but not a very

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\* Mr Goode has done a most important service to the cause of truth, by his thorough refutation of the fundamental principles of Tractarianism. And yet we think it by no means unlikely that his work may have contributed to lead Mr Newman and his friends to join the Church of Rome. It is well fitted to show, to an intelligent Tractarian, that he must either return to Protestantism, or else take refuge in an infallible church.

logical mind, and he has taken no pains to explain the conditions and precise results of his argument, or to point out the exact way in which it stands related to, and bears upon, the general argument between Protestants and Romanists. He does not indeed claim, formally and in words, for his theory, more than, if fairly supported, it is entitled to; but, by failing to mark out its true place and logical relations, and by introducing many collateral topics, he has succeeded, to some extent, in conveying an impression, that he has achieved much more than, even if his theory were admitted, he could be fairly held to have accomplished. It may be proper to explain this point somewhat more fully, as a fair estimate of the real value and importance of the theory depends essentially upon understanding it.

Let us see first what he says about Protestantism, and then what he asserts or insinuates about Romanism, considered historically. In regard to Protestantism, he says, "Whatever be historical Christianity, it is not Protestantism. If ever there was a safe truth, it is this. And Protestantism has ever felt it. I do not mean that every Protestant writer has felt it; for it was the fashion at first, at least as a rhetorical argument against Rome, to appeal to past ages, or to some of them; but Protestantism, as a whole, feels it, and has felt it. This is shown in the determination of dispensing with historical Christianity altogether, and of forming a Christianity from the Bible alone: men never would have put it aside unless they had despaired of it."\* The position, that historical Christianity is not Protestantism, is certainly true, if it be understood merely to assert the matter of fact, that Protestantism has not always been the religion of Christendom, and that there was a period of above a thousand years when a religion materially different from it obtained, to a large extent, in the professedly Christian church. But the proper inference from this fact is, that it is necessary to fall back upon the consideration of the question—What is the rule or standard by which we are to judge of what is or is not true or genuine Christianity? It is drawing rather too much upon the ignorance and credulity of men, to expect them to believe that historical Christianity has always presented an uniform aspect, from the time of the apostles to the Reformation. Could this be proved, it would

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\* P. 5.

be a strong presumption in favour of the system which generally obtained at the time when Luther and Zuingli broke the peace of the church. Even, however, if this could be proved, it would not supersede the examination of the question—Is there any authentic standard of genuine Christianity? and if so, what is it? But when the uniformity of historical Christianity not only cannot be proved, but can be disproved, it is plainly indispensable to seek for some authentic standard; and the necessity of seeking for it, and the obligation to apply it if found, cannot be set aside by any plausibilities or probabilities that may be suggested by a survey of the church's history.

The position, then, that historical Christianity is not Protestantism, in so far as it is true as a statement of fact, is wholly irrelevant as affecting the question, whether it be genuine Christianity or not. We maintain that Protestantism was the Christianity of the apostles—that very soon after their time, corruptions in doctrine and government were introduced into the church—that this corruption continued to increase and extend till the era of the Reformation—and that the Protestantism of that period was, to a large extent at least, a restoration of Christianity to its original apostolic purity. These positions we undertake to establish by the competent and appropriate evidence, *after settling, if necessary, what that evidence is*; and in discussing the subject, we are not afraid to face the fact, that for many centuries Protestantism was not the religion that generally obtained in the professedly Christian church. Protestants have never shrunk from the fullest investigation of the history of the church, being fully persuaded that the claims of the Church of Rome cannot stand before it. They have believed, and largely acted upon, the idea which is thus expressed by Buddeus :\*—“It is not easy to decide whether the severest wounds have been inflicted upon the Romish Church by those who, following Bellarmine and its other champions step by step, have refuted all their arguments and demolished all their errors, or by those who, narrating the history of Popery, have laid open to the eyes and minds of men the abominations of that anti-christian system, and the mysteries of its iniquity.” Mr Newman's insinuation, that Protestants shrink from an investigation of historical Christianity, is untrue, and is contradicted by the whole

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\* Buddei Misc. Sac., i. p. 511.



history of theological literature. Is there not much more probability in the allegation, that Romanists shrink from the Bible, because they are conscious, or half conscious, that they cannot stand before it? Is not Mr Newman's whole theory of development based upon a virtual admission, that the old Romish pretence of tracing historically their doctrines and practices to primitive times can no longer be sustained? And do we not owe this virtual abandonment of the old plan of direct historical investigation, partly at least, to the full and searching examinations into the history of doctrines, which have recently been prosecuted, especially in Germany, by men who were not Romanists?

In regard, again, to Romanism as historical Christianity, Mr Newman admits that some difficulties obviously occur in a historical survey of the church,—he examines some of the theories which have been proposed to solve or to account for these difficulties,—and then propounds the theory of development, as the best and most satisfactory solution. He takes care to give no precise and definite statement of what the difficulties are, because this would expose the weakness of Romanism. He rather assumes them as known, and admits, by implication, that they exist. We think it right to be a little more specific upon this point, and would therefore remind our readers that the grand difficulty in the historical investigation of Christianity lies in the palpable contrast between the Christianity of the New Testament and the Christianity of the modern Church of Rome. This contrast is so obvious, that it must strike every one who investigates the subject. We may apply to it Mr Newman's language, *mutatis mutandis*—"Whatever be the Christianity of the New Testament, it is not Romanism. If ever there was a safe truth, it is this, and Romanism has ever felt it." We do not mean that Romanists have admitted that any part of their system is opposed to, or contradicted by, the Christianity of the New Testament; but they have admitted that there are some of their tenets which cannot be shown to have any sanction from the New Testament; and it is professedly to cover these that they employ the doctrine of tradition,—a doctrine in which the Tractarians substantially concur with them. Romanists, however, have commonly been so reasonable as to admit, that it is only doctrines taught or practices enjoined by the apostles which the church is obliged to receive and observe; and they have, in consequence, been constrained to admit, further, the

reasonableness of the demand for evidence of the apostolic origin of those parts of their system which are not found in the New Testament. Romanists have discouraged, as much as possible—and in this the Tractarians have faithfully followed them—the spirit which leads men to demand proof or evidence before they accord their assent; but they have not been able to refuse altogether the demand for evidence of the apostolic origin of the additions they have made to New Testament Christianity; and they have accordingly attempted to produce something of this sort, using, as far as they could with anything like plausibility, the doctrine of oral tradition, Catholic consent, the testimony of the fathers, the rule of Vincentius, and, when these failed them, taking refuge in the infallibility of the church.

They have never, indeed, attempted to adjust authoritatively the logical relations of tradition and infallibility; but they make tradition to establish infallibility, or infallibility to guarantee tradition, according to the exigencies of the occasion. The following passage, from a valuable work of an old writer, gives a statement of their perplexities and inconsistencies upon this subject:—“There is another shift which some subtle Romanists have lately invented, who, perceiving how their brethren have been beaten out of the field by strength of Scripture and argument, in the contest about the infallibility of the Pope or Council, come in for their succour with an universal tradition, and the authority of the present Church. This is the way of Rushworth in his *Dialogues*, Mr White, and Holden, and Sir Kenelm Digby, and S. Clara. . . . Mr White spends one entire chapter upon the proof of this proposition, that ‘the succession of doctrine is the only rule of faith;’ and saith that, ‘whether we place this infallibility in the whole body of the Church, or in Councils, or in Scriptures, in each of these their authority is resolved into, and all depends upon, Tradition;’ and he spends several chapters to show that neither the Pope nor Councils can give any solidity or certainty to our faith, but what they have from Tradition. . . . The opinion and language of most Papists in the world is this, that Tradition is therefore only infallible because it is delivered to us by the Church which is infallible. If you ask Bellarmine, What it is by which I am assured that a Tradition is right, he answers, Because the whole church which receives it cannot err. So the late Answer of Bishop Laud says—‘There is no means left to believe anything with a



divine, infallible faith, if the authority of the Catholic Church be rejected as erroneous and fallible; for who can believe either Creed, or Scripture, or unwritten Tradition, but upon her authority? Nay, S. Clara himself, notwithstanding his romantic strain, that tradition and the naked testimony of the present Church is sufficient, yet elsewhere confesseth, that the Church's infallibility must necessarily be supposed to make my faith certain. His words are these:—'The testimony of the Church, by which Traditions come to us, is infallible, from a divine revelation, because it is evident from the Scripture that the Church is infallible.' . . . And this was the constant doctrine of the Romish masters in all former ages. Now come a new generation, who, finding the notion of infallibility hard beset, and the pillar shaken, support their cause with a quite contrary position,—namely, that it is not the Church's infallibility that renders Tradition infallible (as their former masters held), but the infallibility of Tradition that makes the Church infallible; and, therefore, they say that the Church herself is no further infallible than she follows Tradition. Thus, Mr White plainly tells us 'that councils are not infallible because the special assistance of God's Spirit makes them infallible, but because, by irrefragable testimony, they confirm the succession of their doctrines, and are such witnesses of tradition as cannot be refused;' and he also says, 'that tradition is overthrown if any other principle be added to it; for here lies the solidity of Tradition, that nothing is accepted by the Church but from Tradition.' ”\*

Still, Romanists have generally admitted that they must produce some sort of proof of the apostolic origin of their additions to New Testament Christianity, either directly through tradition, or indirectly through the infallibility of the present church. Protestants, while maintaining that they are not called on to enter upon this discussion, and are entitled at once to take their stand upon the Bible's assertion of its own sufficiency and perfection, have not scrupled to deal with the subject of tradition, both in its theory and in its applications;—proving, with respect to the theory or doctrine held in common upon this subject by Romanists and Tractarians, that the history of the world and of the church shows that no reliance is to be placed upon oral tradition for conveying correctly doctrines from generation to

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\* Poole's Nullity of the Romish Faith, c. v.

generation,—and proving, moreover, that, in point of fact, there is not one of the peculiar doctrines of the Romanists, with respect to which even probable evidence can be adduced that it proceeded from the apostles, and that with respect to many of them, their apostolic origin can be positively disproved, even independently of Scripture testimony. These were the topics that used to be discussed in the controversy between Protestants and Romanists; and the Romanists, in the discussion, cut a very sorry figure, and were often obliged to have recourse to all the worst artifices of controversial warfare. Protestants were willing, for the sake of argument, to put the controversy upon this issue—Give us proof, in regard to any of your admitted additions to the Christianity of the New Testament, that it proceeded from the apostles, and we will receive it. This demand was not easily met; and now, at last, the Romanists, if we are to take Mr Newman as their representative, deny the legitimacy of the demand altogether, and maintain that they are not called upon to produce any evidence of the apostolic origin of their tenets, for that these might be all true and legitimate developments of apostolic doctrine, though never taught by the apostles, and never heard of till centuries after their death. This is Mr Newman's theory of development. It cuts the knot, but most certainly does not untie it. Let it be carefully observed what is the true position of the question. Romanism is put upon the defensive. It is adduced as a strong presumption against the claims of the Church of Rome, that the system which she imposes upon the belief and practice of men, differs greatly from that which the New Testament presents to us, and contains much that is, at least, wholly unwarranted by anything to be found in the writings of the evangelists and apostles. The Romish answer to this very obvious and very strong antecedent presumption used to be, that the apostles delivered much for the instruction and guidance of the church, which is not contained in the New Testament, but which may be learned from other sources. This, however, has been found unsatisfactory and inconvenient; and now, at last, the theory of development has been invented, which supersedes the necessity of adducing any proof of an apostolic origin,—a process that was often very difficult and troublesome,—and professes to neutralize the presumption against Romanism, by showing that there were, or might be, developments of Christianity, which, though never

taught by the apostles, might, notwithstanding, form a legitimate part of the inspired system, and have a valid claim upon the submission of the church in subsequent ages.

Now, even if this theory of development be admitted,—that is, if it be conceded that the Christian system might be modified and enlarged after the death of the apostles, and that these additions and improvements might be true and good in themselves, and binding upon the church in subsequent ages,—the only fair and legitimate result of the concession is, that by this theory the strong general antecedent presumption against the claims of the Church of Rome, based upon the huge additions she has made to the New Testament system, would be neutralized or removed out of the way; so that Romanists would then be at liberty to adduce with confidence, and Protestants would be bound to consider without prejudice, the specific evidence in support of these additions individually, derived from other sources than the written word. The theory of development, if established and conceded, merely removes a general preliminary objection against Romanism. It gives no positive weight or validity to any Romish arguments, but only clears the field for a fair discussion. It is but a substitute for the doctrine which the Romanists used to maintain,—namely, that the apostles taught many things which were not contained in, or deducible from, the New Testament, but which might be learned from other sources; and as the old doctrine of tradition, or catholic consent, required, in order to its serving any positive practical purpose in controversy, to be followed by specific proof of the apostolicity of particular tenets and practices, so the new theory of development, even when proved or conceded, requires to be followed up by specific proof, that every Romish addition to the New Testament system is a true and legitimate development, and not a corruption. Mr Newman does not formally deny that this is the true logical position and bearing of the theory of development, and, indeed, on several occasions he incidentally admits it; but he never gives to this idea anything like explicitness or prominence, and often writes as if he wished and expected it to be taken for something much more positive and effective.

Let us now attend to the theory itself. It is thus stated by Mr Newman :—“The following essay is directed towards a solution of the difficulty which has been stated,—the difficulty which lies

in the way of using the testimony of our most natural informant concerning the doctrine and worship of Christianity,—namely, the history of eighteen hundred years. The view on which it is written has at all times, perhaps, been implicitly adopted by theologians, and, I believe, has recently been illustrated by several distinguished writers on the Continent, such as De Maistre and Möhler;—namely, that the increase and expansion of the Christian Creed and Ritual, and the variations which have attended the process in the case of individual writers and Churches, are the necessary attendants on any philosophy or polity which takes possession of the intellect and heart, and has had any wide or extended dominion; that, from the nature of the human mind, time is necessary for the full comprehension and perfection of great ideas; and that the highest and most wonderful truths, though communicated to the world once for all by inspired teachers, could not be comprehended all at once by the recipients, but, as received and transmitted by minds not inspired, and through media which were human, have required only the longer time and deeper thought for their full elucidation. This may be called the *Theory of Developments*.\*

Now, upon this theory, the following observations very naturally suggest themselves:—

*First*, It is wholly precluded—just as much so as the doctrine of tradition or catholic consent—by the proof of the perfection and sufficiency of the written word.

*Secondly*, It implies a virtual abandonment of the position hitherto generally occupied by Romanists in defending their cause, being a newly invented substitute for the ground on which all former defenders of Romanism—many of them men of great talent and ingenuity—had felt it to be necessary or expedient to take their stand. It is in the highest degree improbable, that a theory which was really sound in itself, and legitimately available for the defence of Romanism, should have been invented in the nineteenth century. Mr Newman's statement, that "the view has at all times, *perhaps*, been implicitly (that is, without being explicitly stated) adopted by theologians," is unworthy of notice in an argumentative discussion. We are confident that, if he were called upon to produce evidence of this statement, the only thing

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\* P. 27.

to which he could appeal is the fact, that some of the earlier defenders of Romanism, when pressed by the exigencies of their situation, have given such an *exposition of the doctrine of the infallibility of the church*, as to include under it a right to introduce and establish new articles of faith; and this—besides that many Romanists have shrunk from asserting it except under great limitations—is irrelevant to the matter in hand. De Maistre and Möhler are the inventors of this theory of development, and Mr Newman himself is the first who has developed it. He tells us, that “his first act on his conversion was to offer his work for revision to the proper authorities; but the offer was declined, on the ground that it was written and partly printed before he was a Catholic, and that it would come before the reader in a more persuasive form if he read it as the author wrote it.” We suspect “the proper authorities” had another reason for declining to revise it. They did not wish to commit themselves to the theory of development. They are very willing to take advantage of it with any whom it may be fitted to influence; but the theory is too novel, and interferes too obviously with their claims to apostolicity, and the grounds on which these claims have been generally defended, to admit of their formally approving of it.

*Thirdly*, This theory of development is substantially infidel in its general character and tendency, and is evidently borrowed from German neology. No one who is acquainted with the writings of Popish controversialists will be in the least startled with this statement. They abound in infidelity, and often contain elaborate expositions of the most plausible objections of scepticism. Their professed object in all this is, not to lead men to reject Christianity and revelation, but to shut them up to submission to an infallible church. With this view they are accustomed to dwell largely upon the difficulties attending the proof of the truth of Christianity, and of the divine origin, canonical authority, genuineness, and integrity of the sacred Scriptures, the investigation of their true meaning, and the formation, from the study of them, of a definite system of faith and practice. And it is to be feared that they have persuaded many to go with them thus far, without inducing them to take the additional step for which all this scepticism was intended to prepare, of submitting implicitly to the authority of the church. The well-known infidel work entitled, “Christianity not founded on Argument,” consists chiefly of a

collection of such difficulties as Romish writers have been accustomed to urge against the truth and certainty of the Christian religion. This infidel spirit which characterizes many Romish controversialists had been manifested to some extent by the Tractarians. Mr Newman, in a passage of his work on the prophetic office of the church, quoted and adopted in the one before us,\* speaks of the "principles which guide us in the conduct of life, which determine us in politics, or trade, or war, which lead us to accept Revelation at all, *for which we have but probability to show at most*, nay, to believe in the existence of an intelligent Creator." Having so plainly sanctioned scepticism when he was only an Anglo-Catholic, it is not wonderful that, after becoming a Romanist, he should have propounded an infidel theory; and this, we do not hesitate to say, is the true character of the theory of development. It manifestly implies that the revelation made by Christ and His apostles was very defective and imperfect,—was greatly influenced, even as to its substance, by local and temporary causes,—that it was not adapted or fitted for permanent and universal application,—that it stands much in need of enlargements and improvements,—and that these enlargements and improvements might be made, as circumstances suggested or required, by men themselves, without divine inspiration. This is just the fundamental principle of the modern German Rationalists; and of all who hold it, whether Rationalists or Romanists, it may be said with truth, that they would act a more straightforward part if they would openly deny the divine origin and authority of the New Testament.

It may be worth while to advert briefly to the way in which this theory of development is stated by German Rationalists; and for this purpose we shall refer to Wegscheider's "*Institutiones Theologiæ Christianæ Dogmaticæ*," usually reckoned the text-book of Neologian divinity. The general position he lays down is this:—"Religio Christiana ad majorem perfectionis gradum evehi potest;" and, in explaining this position, he makes an important distinction, which Mr Newman has, we suspect intentionally, overlooked. "*Omnino autem in religionem major perfectio cadere dicitur, tam subjectiva quadam significatione, quâ illius cognitio in hominibus perfectior reddi possit, quam objectiva, ita ut ea*

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\* P. 9.

religionis doctrinæ intelligatur indoles, quæ permittit adeoque adjuvat et methodi et ipsius argumenti emendationem tempore procedente suscipiendam.”\* We have said that we suspect that Mr Newman intentionally overlooked the very important distinction which is so clearly brought out by Wegscheider in this passage, between the subjective and objective improvement or development of Christianity; and the ground of the suspicion is this, that in the statement of his theory which we have quoted, he formally asserts chiefly, if not exclusively, a subjective development of Christian doctrines, which all in a sense admit both in individuals and in churches; while in his more detailed explanation and application of his theory, he throughout assumes—what, indeed, his argument and object manifestly require—an objective development, or an actual external addition to the objects of faith, or the doctrines believed. There is a subjective development of Christian doctrine both in individuals and in churches, whereby men grow in the knowledge of God’s revealed will, and whereby theological science is extended and improved. But the result of this development is merely to enable individuals and churches to understand more fully and accurately, and to realize more thoroughly, *what is actually contained in, or deducible from, the statements of the written word, and can be shown to be so.* This, however, is essentially different from, nay, it is in a certain sense the reverse of, an objective development, which changes and enlarges or diminishes the external revelation, the standard or system of faith. Wegscheider saw, and distinctly admitted, that a merely subjective development, without an objective one, would not serve his purpose. *This holds true equally of Mr Newman’s purpose;* but he either did not see the important distinction, or he has carefully concealed it; and while it is perfectly manifest that an objective development alone can be of any practical use to him, he formally contends for only a subjective one, and brings to bear, as if in support of his theory, many analogies and illustrations, derived from the nature, operations, and progress of the human mind, the improvement of human knowledge, and other sources, which apply only to a subjective, and not to an objective, development.

He manifests the same *ignoratio elenchi* in his attempt to answer the objections to his theory, which he does very briefly

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\* Cap. iii. s. 26, octav. edit. Lipsiæ, 1844.



and perfunctorily in a single page.\* The simple application of Wegscheider's distinction shows at once that his answers to the objections are utterly destitute of weight or plausibility, and leaves his theory in all the nakedness and deformity of rationalism or infidelity. The theory of development is indeed wholly German in its character and origin. It seems to have been suggested to De Maistre and Möhler by the felt impossibility of maintaining any longer the Romish ground of trying to establish the apostolic origin of their additions to the Christianity of the New Testament, through the medium of tradition and the consent of the fathers, in consequence of the profound investigations into the history of doctrine which have been prosecuted in that country. It is in itself just the fundamental principle of German rationalism, that Christianity, as taught by the apostles, is susceptible of great improvement; and in its practical application it affords fine scope for a species of discussion in which the Germans greatly delight, but which is possessed of little practical utility,—namely, the formation of what they call deep views about the generation, growth, and connection of ideas. Mr Newman virtually abandons tradition and catholic consent, as conveying to us doctrines taught by the apostles; he assumes throughout the Neologian principle, that Christianity, as taught by them, is susceptible of additions and improvements, though he does not state it so fully and so fairly as Wegscheider; and he indulges in some sufficiently ridiculous speculations as to the way and manner in which the doctrines and practices of the New Testament developed into the doctrines and practices of the Council of Trent.

What is adduced in support of a theory against which there lie such formidable objections? First of all, Mr Newman holds, that as it is proposed merely as a theory or hypothesis to account for certain facts, he is not bound to prove it, *a priori*, but merely to show that it is probable, and that it does account for the facts.† Now, there would be truth in this position, provided, *first*, that it can be shown that the theory is not precluded by the doctrine of the

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\* P. 95.

† On this, and on one or two other occasions, we have given the substance of what Mr Newman assumes, or insinuates, or states by implication, while perhaps it might not be easy to

produce any one extract in which the position ascribed to him was explicitly maintained. He is not in the habit of laying down distinct and definite propositions.



sufficiency and perfection of the written word; and, *secondly*, that the theory was strictly confined to its proper place and function, as we have already explained it, and employed simply as an answer to a preliminary presumption against Romanism. It is alleged that Romanism cannot be apostolic, because it is so palpably different from the Christianity of the New Testament; and if the answer given to this be, that it is quite possible that Romanism may be genuine Christianity notwithstanding, because it is possible, and even probable, that the Christianity of the New Testament might be, and might be intended to be, largely developed in subsequent times; then this probability might, were there no positive objection to the theory, such as that derived from its inconsistency with the perfection of Scripture, be held sufficient to neutralize the mere general presumption against the claims of the Church of Rome. But when this theory is employed, as it often is practically by Mr Newman, as affording something like a direct and positive argument in favour of Romanism, we are entitled to demand from him something more than mere probability, and are warranted also to expect a much fuller and more elaborate answer to the objections to the theory, than he has ventured to attempt.

One general presumption which he adduces in favour of his theory is, that all parties must have some theory to explain the history of Christianity, and that his theory of development is at least as unobjectionable and as plausible, as affording an explanation of the phenomena, as any other that has been propounded. He gives a brief notice of the different theories upon this subject, in his Introduction. The first which he mentions is the old Romish and Tractarian one of tradition or catholic consent, as preserving and bringing out doctrines taught by the apostles, but not mentioned in the New Testament. And we have already had occasion to explain how he disposes of this. Another is what is called the "*Disciplina Arcani*," and it has been employed as a sort of supplement to the former, both by Romanists and Tractarians. There are obscure traces in some ancient authors, of the Christians of the second and third centuries concealing some of their doctrines and practices from general observation; and upon this fact the Romanists have constructed the theory, that a great part of the system which was taught by the apostles was intentionally concealed from public view for several centuries. Of course, they

apply this theory to account for the absence of anything like a full recognition of Romish doctrines in early times.\* This theory is, as we have said, a mere supplement to that of tradition or catholic consent. It assumes that doctrines taught by the apostles were handed down correctly by oral tradition, and professes to give an explanation merely of the lateness of their appearance in the literature of the church. The fact of concealment, so far as it can be established, does not warrant the general theory—the *Disciplina Arcani*; and the theory, even if admitted, does not offer even a probable solution of the actual difficulty. Mr Newman allows some weight to this theory, but considers it insufficient to solve the difficulty, and virtually sets it aside upon a ground that is undoubtedly conclusive:—"It is certain that portions of the church system were held back in primitive times, and, of course, this fact goes some way to account for that apparent variation and growth of doctrine which embarrasses us when we would consult history for the true idea of Christianity; yet it is no key to the whole difficulty as we find it, for an obvious reason—the variations continue beyond the time when it is conceivable that the discipline was in force."† That is, the only period during which there is ground for alleging that there was any concealment, is that of the second and third centuries, while it is too true that a considerable portion of the Romish system does not make its appearance till a later age.

The only other theory which Mr Newman notices and attempts to set aside in order to make way for his own, is just in substance

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\* Our readers may be amused by the following remarks of an old writer on a Romish treatise on this subject, exhibiting a specimen of the way in which the Church of Rome employs this topic:—"If you inquire why we read nothing of transubstantiation in ancient authors? the reason is very easy and ready. *Disciplina Arcani*—Why the fathers did not assert the worship of images? *Disciplina Arcani*—Why the doctrine of the Trinity was not clearly taught before the Council of Nice? *Disciplina Arcani*—Why we have no accounts of the seven sacraments before the seventh century? *Disciplina Arcani*—Why

the writings of St Denys, the Areopagite, lay so long concealed? *Disciplina Arcani*—And so for any novelty else, *Disciplina Arcani* still returns upon you; and it is so great a charm, that some would be almost afraid of it, for it has a strange faculty of making everything look *aged* that it can but come near. This *Disciplina Arcani* is an occult quality, to solve all difficulties by; and say what you will, these two emphatical words shall bear down all before them."—*Comber's Authority of General Councils Examined, and Roman Forgeries therein Detected. Preface.*

† Pp. 26, 27.

the great Protestant position, that the church gradually became corrupted in doctrine, government, and worship, by departing from the scriptural and apostolic standard, and that this is the true cause and explanation of the palpable contrast between the church of the first century and the church of the beginning of the sixteenth, or, what is the same thing, the modern Church of Rome. He notices this position very briefly, states it somewhat unfairly, and disposes of it in a way that is at once unsatisfactory in itself, and not very creditable to him :—"A second hypothesis . . . is that of an early corruption of Christianity from external sources, Oriental, Platonic, and Polytheistic; an hypothesis which is certainly sufficient in the abstract to account both for variations which may exist in doctrine and in practice, and for the growth of opinion upon particular points. Some light may be thrown on this hypothesis as we proceed; \* meanwhile, however freely it may be assumed and largely applied, it has no claim on our attention till it is drawn out scientifically;—till we are distinctly informed what the early Christian doctrines or evangelical message is, or if there be any; from what sources it is drawn; how those sources are ascertained to us; and what is a corruption." † This is a very discreditable passage, and would warrant, were we so disposed, no ordinary severity of castigation. Mr Newman here speaks as if the theory of a corruption of Christianity were as novel as his own theory of development,—as if no one had ever attempted to expound and apply it,—as if the conditions which he requires, in order to entitle it to attention, had never been complied with. It may be true that books have not been written for the sole purpose of expounding the theory of a corruption. But this was unnecessary. A novel sceptical absurdity, like the theory of development, might require a book to draw it out scientifically, to hide its deformity, and to commend it to the favour of superficial thinkers. But not so the theory of a corruption; it is too simple and too plausible to require much general exposition as a distinct independent topic. He misrepresents the Protestant theory when he describes it as implying a corruption of Christianity from *external* sources. Protestants have not limited the sources of the corruption which, they allege, was introduced into the church, to those which are external,

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\* We have not been able to discover any additional light upon this sub-  
 ject in the subsequent part of the volume.  
 † P. 24.

and nothing required them to do this. They consider the human heart to have been the principal source of the corruption; and Orientalism, Platonism, and Polytheism. they regard merely as influences which, at particular periods, concurred with other causes of corruption, and modified their operation. The corruption of the Christian church they trace ultimately to the same general causes to which they ascribe the corruptions of the Patriarchal and Mosaic religions,—namely, the agency of Satan and the depravity of man. And they are not bound in argument to be more specific in adducing its causes, although the history of the church affords them abundant materials for doing so, which they have not failed to employ. In order to establish the general doctrine or theory of a corruption, they have merely to prove (what cannot be proved in regard either to tradition or development) that there is nothing to preclude the supposition, and that therefore it is possible; and further, that there is enough, both antecedently in general considerations, and in the actual history of the church in all ages, to render it highly probable that corruptions would be, and have been, introduced into it. This may be said to exhaust the general theory of corruption.

Then follows the application of the theory to the case, and this requires a specification of what the alleged corruptions are, with the necessary proofs that this is indeed their true character. Mr Newman writes as if he wished to convey the impression that no attempt has ever been made to expound, establish, and apply this doctrine, when he must know that the exposition, defence, and application of it may be said to constitute the very sum and substance of all that has been written against the Church of Rome. But Mr Newman pretends that he is not called upon to give any attention to this theory of a corruption, till he is “distinctly informed what the real Christian doctrine or evangelical message is, or, if there be any, from what sources it is drawn, how those sources are ascertained to us, and what is a corruption.” Now, not to dwell upon the lurking indications given in this passage of the scepticism or infidelity of Romanism, we have to assert that all these conditions have been often and abundantly complied with, and that Mr Newman must have been well aware of this. Protestants are the defenders of the theory of a corruption, and they have, times without number, fully stated, and conclusively established, their views upon all those points on which Mr Newman

still desiderates "distinct information," and on which he evidently intends to insinuate that distinct information has never been given, and cannot be procured. The "real Christian doctrine or evangelical message" is Protestantism as contradistinguished from Romanism,—the source from which it is drawn is the written word of God,—the divine origin and authority of the sacred Scriptures are ascertained to us by all those arguments which Protestants and Romanists use in common in arguing with infidels,—and a corruption is anything that is either directly or indirectly opposed to what is contained in, or deducible from, the statements of the Bible. Mr Newman knows as well as we do, that these are the views which have been always maintained, openly and fully, by the advocates of the theory of a corruption; yet he declines to consider that theory, because, forsooth, he can get no distinct information as to the views of its supporters upon these points!

It is true, indeed, that the investigation of some of these topics extends beyond the field of a mere historical examination of Christianity, to which Mr Newman professes to confine himself; but he knows well enough that his opponents deny altogether the possibility or competency of deciding what is the real Christian doctrine, and what are corruptions of it, from a mere investigation of the history of the church; and however he might restrict his own speculations, he has no right to assume the non-existence or the falsehood of principles which his opponents assert, and undertake to prove, to be essential to a right decision of the points in dispute. Protestants have often proved, and are quite ready to prove again, that there is no argument derived from any source, which shows it to be either impossible or improbable that corruption should prevail in the church,—that there are many considerations which make this very probable, or rather certain, *a priori*,—that, in point of fact, many corruptions have been introduced into the church, and have prevailed long and widely,—and that all the doctrines and practices in which Romanists differ from Protestants rank under this head. And while they derive their conclusive proofs in support of these positions from the sacred Scriptures, they can also produce much from the history of the church, which greatly confirms their truth.

We have examined all that Mr Newman has adduced in opposition to the theory of the corruption of Christian doctrine in the church, as generally held by Protestants; and this is the only

real and formidable rival to his own theory of development; for he of course does not scruple to take advantage of the theory of tradition, and of the *Disciplina Arcani*, so far as they can be made available for his purposes.

We think we have shown that he has not disposed of the Protestant theory in a very satisfactory or creditable way; but we have not as yet heard anything direct or positive in support of the theory of development. What there is of this nature is contained in the second chapter, one of the shortest in the work. The first chapter is entitled, "on the development of ideas," and it consists chiefly of an abstract discussion of the general subject indicated, as applicable to the ordinary processes of the human mind, and the advancement of the different branches of knowledge; with an attempt to deduce, from these general principles applicable to ordinary human knowledge, certain tests for distinguishing between true developments and corruptions. It contains scarcely anything that bears directly upon the matter in hand, unless we concede what Mr Newman quietly assumes,—namely, that the fact that God has given us a written revelation of His will, and has afforded us no other certain means of knowing what He would have us to believe and to do, makes no difference in the case,—does not take the subject of the investigation of divine truth, *in some respects*, out of the sphere of principles and rules applicable to the ordinary operations of the human mind in the acquisition of knowledge,—but leaves men as much discretion, as full a liberty, to "add and eke," as if no such written revelation had been given.

The second chapter is entitled, "on the development of Christian ideas antecedently considered," and it is divided into two sections; the first, "on the probability of developments in Christianity;" and the second, "on the probability of a developing authority in Christianity;" and it is here that we are to expect whatever evidence can be adduced in support of developments in the Christian system generally,—that is, of additions which are true and legitimate in themselves, connected in some way or other with the original doctrines of the system, and intended by God to be ultimately brought out and adopted by the church, though neither contained in the New Testament nor taught by the apostles. Now, the evidence adduced by Mr Newman in support of the general antecedent probability of developments in Christianity, just consists, first, of a pressing of the analogy from the



ordinary operations of the human mind, in acquiring and applying common knowledge,—and this is done very much in the style and spirit of Wegscheider, and other German neologians,—and secondly, of a selection of the old Romish objections against the sufficiency and perfection of the written word. He brings forward and dwells upon the old Romish and Neologian cavils about the Bible not deciding at all some important questions,—such as that of the canon,—unfolding others very obscurely and imperfectly, being intended for all ages and countries, while specially adapted in many respects to a particular period and locality, and having “a structure so unsystematic and various, and a style so figurative and indirect, that no one would presume, at first sight, to say what is in it and what is not.” We need not discuss these topics; they form a part of the usual commonplaces in the controversy with Romanists upon the subject of the Rule of Faith, and they are stated, we think, with more plausibility by Wegscheider, in the chapter from which we formerly quoted, who has also the additional merit of honestly admitting that the theory in support of which they are adduced is irreconcilable with the doctrine of a supernatural revelation,—*“cum persuasione de revelatione supernaturali ac miraculosa minime concilianda.”*

The only thing in this section which has the appearance of novelty is, the position that God's revelations to men from the beginning, through the series of the prophets, and the ministry of our Saviour and the apostles, have been conducted upon the principle of development, the later revelations bringing out more fully what was, in some sense, contained in previous ones, though not so as to be generally available. But the analogy fails in one essential particular,—namely, that God made all these developments of previous revelations through inspired men, who were commissioned, not merely to develop previous revelations, but also to communicate new ones. And as God has given us no inspired men since the time of the apostles, the fair inference is, that He did not intend to make any further objective developments of previous revelations, which it should be incumbent upon the church to receive. Developments by inspired men, no doubt, continued from the first revelation till the termination of the apostolic ministry, and Mr Newman thinks it impossible to fix the time when they ceased. He says: “Moreover, while it is certain that developments of revelation proceeded all through the old dis-

pensation down to the very end of our Lord's ministry, on the other hand, if we turn our attention to the beginnings of apostolical teaching after His ascension, we shall find ourselves unable to fix an historical point at which the growth of doctrine ceased, and the rule of faith was once for all settled. Not on the day of Pentecost, for St Peter had still to learn at Joppa about the baptism of Cornelius; not at Joppa and Cæsarea, for St Paul had to write his Epistles; not on the death of the last Apostle, for St Ignatius had to establish the doctrine of Episcopacy; not then, nor for many years after, for the canon of the New Testament was still undetermined."\*

We can see no reason whatever in anything here adduced why developments or additions to the system of divine truth, which were intended to be received by the church as authoritative and binding, may not have ceased with the death of the last man to whom God was pleased to give the gift of inspiration. Mr Newman is no doubt right in saying that the doctrine of episcopacy was not introduced till after the death of the last apostle, and that it was Ignatius—that is, the author of the epistles which bear his name—who “established” it; but that is just the reason, and we reckon it a very sufficient one, why we reject the doctrine. We know no evidence that this doctrine was developed under the guidance of inspiration, and therefore we refuse to receive it. The subject of the canon stands upon a totally different footing. The settlement of the question, What are the books that compose the canon of the New Testament? does not profess to rest upon a divine revelation. God has not directly communicated to us this information, but left us to collect it from ordinary sources; and we can prove what we believe upon this point, by satisfactory evidence, suited to the nature of the case, in opposition to the cavils both of Romanists and of infidels.

We have now stated the substance of the whole of the evidence on which Mr Newman thinks “we may fairly conclude that Christian doctrine admits of formal, legitimate, and true developments; or of developments contemplated by its Divine Author.”† The second section of this chapter, “on the probability of a developing authority in Christianity,” is, as Mr Newman admits,‡ just a discussion of the old topic of the infallibility of the

\* P. 107.

† P. 118.

‡ P. 117.



church,—the church, of course, being assumed to be the Church of Rome. It does not profess to deal with the scriptural proofs which Romanists commonly adduce in support of this doctrine, but merely with those vague, general presumptions, by which they imagine they can show, that it is very necessary and expedient that there should be a permanent, visible, infallible guide in religious matters, and that, therefore, it is highly probable that such a guide has been appointed. There is nothing material in this section but what is found, in substance, in the ordinary Popish works upon the subject; and, therefore, we need not dwell upon it. The doctrine of the infallibility of the church is not one that ought to rest upon presumptions and probabilities. It requires to be proved, and proved by very clear and cogent evidence—evidence connecting the doctrine directly with the testimony of God Himself. If the Romanists could only establish this doctrine, they might dispense with any attempt to establish any other. Were we satisfied of the existence of a living infallible guide, whom we were bound to obey, we would not trouble ourselves about the theory of tradition, or the theory of development; we would, of course, believe whatever doctrine he propounded to us, whether he pretended to have had it handed down from the apostles, or to have developed it himself. We concede to Mr Newman that, if the theory of development be true, the necessity of an infallible guide appears still stronger than upon the old theory of tradition; for the doctrine of development, without an infallible developing authority, would throw all things into inextricable confusion, and leave every man to be practically a rule to himself. The Rationalists, of course, stop here. By means of the theory of development, they keep up a show of paying some deference to the sacred Scriptures; while, by means of the same theory, without Mr Newman's Romish addition of an infallible developing authority, they make human reason the ultimate judge and standard of all things. It is proper to notice, before leaving this subject, that Mr Newman gives, as might be expected, some indications of trying the same juggle between infallibility and development, which the old Romish writers practised between infallibility and tradition. Is it not strange that the infallible church should not before have discovered this theory of development, and that she should have gone on for so many centuries, developing at a great rate, while all along she did not know that

she was developing, but constantly believed and declared that the numerous additions which she was making to the system of Christian doctrine were, if not deducible from the written word, at least contained in the "apostolical and ecclesiastical traditions" which had been handed down to her?

The third chapter is entitled, "on the nature of the argument in behalf of the existing developments of Christianity;" and it professes to explain the general character and object of the theory, the kind of evidence on which it ought to rest, and the manner in which it ought to be applied. Mr Newman labours in this chapter to show, that probability is sufficient to warrant the admission of the theory; and tries to prove, by instances, that the theory, being admitted, invests with a certain measure of probability some of the additions which the Church of Rome has made to the scriptural system of doctrine and worship. It contains nothing in the way of argument, the substance of which has not been already considered. The five remaining chapters, forming more than one half of the whole work, are occupied with the exposition, illustration, and application of seven tests, which he lays down for the purpose of discriminating between a development and a corruption; and through the whole of them he keeps in view two distinct objects, without, however, taking due pains to distinguish them,—namely, first, to establish the general position, that it is practicable to discriminate, with some accuracy and certainty, between a legitimate development and a corruption; and, secondly, to produce, by a selection of instances, some probable ground for believing that, in point of fact, many of the Romish additions to the scriptural system are not corruptions, but legitimate developments.

If it were once conceded that it was the intention of God that the Christian system, as taught by the apostles, should be largely developed in subsequent ages, and that these developments were to be binding upon the church, the questions would then immediately arise, Is there any mode of distinguishing with certainty between developments and corruptions? and, if so, what is it? The proof of an infallible developing authority would be the best answer to these questions, and Mr Newman is willing enough to have recourse to this solution when others fail him. But, like other Romanists, he is in some measure aware that the infallibility of the church has about enough to bear already, and he would rather

avoid, if he could, making any addition to the burden. He therefore exerts his utmost ingenuity in devising and illustrating certain tests, by which developments may be distinguished from corruptions, and by which Romish additions may be shown to rank under the former head. He does not attempt a formal definition of what a development, as distinguished from a corruption, is ; but his general notion of it seems to be this, that it is a doctrine which, though not contained in Scripture, or taught by the apostles, yet harmonizes with the original and primitive system, and may be regarded as in some way or other involved in and growing out of it, or, at least, as somehow connected with it : and he has to prove, if he can, that such developments might be made in subsequent ages, and might be binding upon the church, and that this character attaches to the Romish additions to the apostolic system. We deny the possibility of proving this in regard to particular cases. Additions which contradict the particular statements or the general scope and spirit of Scripture are, of course, to be rejected as corruptions. But even though this ground of rejection could not be directly established against them, and although, therefore, they might approach to Mr Newman's general idea of developments, no proof could be adduced that they were authoritative or binding. In order to impose upon the church an obligation to receive them, they must either be traced back to inspiration, or they must be guaranteed as they emerge by an infallible authority. On no foundation but on one or other of these two, can an obligation to receive them be based. They may commend themselves to the minds of some men as plausible, beautiful, and ingenious, as well adapted to improve the scheme of divine truth, or to promote the interests of religion ; but something more is necessary to entitle them to a place in the faith and practice of the church ; and, unless they are either traceable to the apostles, or are guaranteed by an infallible authority, they want what both Protestants and Romanists have hitherto regarded as indispensable.

Romanists have been accustomed to boast that their system, and that alone, afforded to men a sure ground for a divine and infallible faith ; but upon the theory of development, all possibility of giving anything like certainty or assurance is cut off, unless everything be at once resolved into the infallibility of a developing authority ; and this is a use and application of the

doctrine of infallibility from which many Romanists have shrunk, even under the old theory of tradition and catholic consent. Mr Newman himself shrinks from it, and virtually professes,\* that an infallible developing authority is necessary or useful in this matter only for the common herd of mankind, while men of science and literature may, he thinks, attain to certainty on the subject by other processes. "To a theologian, who could take a general view, and also possessed an intimate and minute knowledge, of its history, they (the developments of Christianity) would doubtless on the whole be easily distinguishable by their own characters, and require no foreign aid to point them out, no external authority to ratify them." Rationalists, of course, say the same thing; and they are just as well entitled, apart from the authority of the church, to exercise their own judgment, and to use their own discretion, in abridging and curtailing apostolic Christianity, as the Romanists in developing and enlarging it. He thus gives loose reins to philosophical discussion and historical investigation, and upon these fields every man must judge for himself. It seems to us, that the man who, after due investigation, has persuaded himself that the system of doctrine, government, and worship, held in the modern Church of Rome, is a legitimate development, and not a corruption, of apostolic Christianity, should be willing and ready to maintain, that the polytheism and idolatry of the ancient heathen world was a development, and not a corruption, of the patriarchal religion; and that the pharisaic system of our Saviour's days was a development, and not a corruption, of the religion which God communicated to the Jews through Moses.

There is one very curious and amusing passage in which Mr Newman has—incautiously, we venture to think—presented a considerable number of his developments, nakedly, in one view, and in immediate juxtaposition with each other; and we regard it as quite sufficient of itself to expose, to any man of common discernment, the utter uncertainty of the whole theory, and the thorough recklessness with which he applies it. It is as follows:—"The Incarnation is the antecedent of the doctrine of Mediation, and the archetype both of the Sacramental principle and of the merits of Martyrs and Saints. From the doctrine of Mediation follow the Atonement, the Mass, the merits of Martyrs and Saints, their

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\* P. 115.

invocation and *cultus*. From the Sacramental principle come the Sacraments properly so called; the unity of the Church, and the Holy See as its type and centre; the authority of Councils; the sanctity of rites; the veneration of holy places, shrines, images, vessels, furniture, and vestments. Of the Sacraments, Baptism is developed into Confirmation, on the one hand; into Penance, Purgatory, and Indulgences, on the other; and the Eucharist into the Real Presence, adoration of the Host, Resurrection of the body, and the virtue of relics. Again, the doctrine of the Sacraments leads to the doctrine of Justification; Justification to that of Original Sin; Original Sin to the merit of Celibacy.\*

This is surely enough; but we may briefly advert to his seven tests for distinguishing between a legitimate development and a corruption. These are,—1. The preservation of the type or idea. 2. Continuity of principles. 3. Power of assimilation. 4. Early anticipation. 5. Logical sequence. 6. Preservative additions. And, 7. Chronic continuance. The principal part of the work is occupied with an application of these tests to the Romish additions to scriptural Christianity, in order to show that they make it probable, or afford some plausible ground to believe, that these additions were not corruptions, but legitimate developments. To all of them, individually and collectively, with the exception of the fifth—logical sequence—the remark formerly made applies,—namely, that they are utterly inadequate, in the very nature of the case, to give to the additions which they may seem to sanction any binding power or authority. Even if it could be proved, as it certainly cannot, that all the Romish additions to apostolic Christianity preserved the original type or idea,—that they exhibited a certain continuity of principle and power of assimilation,—that they were obscurely indicated before they were fully developed,—that they seemed fitted, so far as we could judge, to preserve and confirm some parts of the original system,—and that they had lasted for a long period even in the face of much opposition; all this would not give them a valid claim upon our reception and obedience. Could all this be proved in regard to Romish additions, Protestants would indeed no longer denounce them in the terms which, upon good grounds, they have been accustomed to apply to them, as perverting the gospel method of salvation,—as debas-

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\* P. 154.

ing and carnalizing the worship of the one only living and true God,—as interfering with the honour and confidence due to the only Saviour and Intercessor,—and as subjecting the consciences of men to a degrading tyranny; but unless some other principle, some higher authority, were brought to bear upon them, they would still hold themselves at full liberty to reject them. Logical sequence stands upon a different footing. Whatever can be shown to follow by logical sequence from any of the doctrines or statements of Scripture, must be admitted to be binding upon the church; and this is substantially what Protestants mean when they assert the binding authority of whatever can be deduced by good and necessary consequence from the word of God. We were rather surprised to find a valid and precise test like this thrust into the middle of so many that are unsatisfactory and indefinite; and on turning to the section where its application is illustrated,\* we found an attempt to prove, that the scriptural doctrine of our Lord's divinity developed, *by logical sequence*, into "the worship of angels and saints,"—"the deification of the saints," and "the deification of St Mary,"—and that the scriptural doctrine of baptism for the remission of sins developed, *by logical sequence*, into infant baptism, penance, purgatory, and the monastic rule! When "logical sequence" is made to play such "fantastic tricks," we need not wonder at anything that may be brought out of "continuity of principle," "power of assimilation," or "preservative additions."

The first test—namely, the preservation of the original type or idea—has the appearance of being somewhat more definite and precise than those last mentioned, and might be admitted to afford a presumption, not indeed of the binding authority, but of the comparative harmlessness, of those additions to which its applicability could be established. And it is somewhat remarkable, that the application of this, his primary test,—occupying the fourth and fifth chapters, one fourth part of the whole book,—does not touch upon any one of the leading internal features of the Romish system of doctrine, government, and worship, but consists merely of an accumulation of little plausibilities, derived from a loose and declamatory survey of the external aspects of the church in general during the first six centuries. From some cause or other,

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\* Pp. 397–428.



certainly not want of courage, as our readers must be already convinced, Mr Newman seems to have shrunk from attempting to show that the Romish worship of saints, angels, and images, preserved the type, or idea, of the scriptural restriction of all religious worship to God alone; that the Romish reliance upon the merits and intercession of creatures preserved the type, or idea, of the scriptural principle of relying exclusively upon the merits and intercession of the divine Redeemer; that the sacrifice of the Mass preserved the type, or idea, of the scriptural doctrine of the perfection of Christ's one sacrifice; or that seven sacraments, with a load of ceremonies, preserved the type, or idea, of the two simple ordinances of the New Testament. Instead of attempting this, he merely skims over the history of the first six centuries, and collects a few points, bearing solely upon the general external aspects of the Church,—points of a very vague and incidental description,—and holds up the modern Church of Rome as preserving the type, or idea, of these things.

In surveying the first three centuries, he selects some of the accusations then commonly adduced by the heathens against the Christians, and shows that they are somewhat similar to some of those which have been brought by Protestants against the Church of Rome. The illustration of this he expands to about forty pages, and adduces it as a proof that the Church of Rome preserves the type, or idea, of the primitive church. In surveying the fourth century, he collects some indications of an organized and compacted church, putting forth some pretensions to catholicity, but recognising Rome as its centre and head, and standing in a relation to heretics and schismatics somewhat similar to that now occupied by the Church of Rome to Protestants. The facts of the case are very imperfectly given, for it has been conclusively proved that, in the fourth century, the idea of its being necessary to be in communion with the See of Rome, in order to being in the communion of the catholic church, was unknown. But, even if Mr Newman's view of the case were admitted to be correct, it would not afford even the slightest presumption that the Romish additions to the Christianity of the New Testament preserved the type, or idea, of the original. In surveying the fifth and sixth centuries, Mr Newman dwells chiefly upon the important and commanding influence which the Church of Rome then exerted, in maintaining and preserving scriptural views in regard to the Tri-

nity and the person of Christ. It is not disputed by Protestants, that the Church of Rome has continued to uphold the doctrine of Scripture upon these important points, and that in the fifth and sixth centuries she rendered some important services to the cause of orthodoxy in this matter; but these facts are altogether, and most manifestly, irrelevant to the object for which they are adduced. Although the Romanists are very fond of boasting of the zealous support which the See of Rome gave to the orthodox doctrine upon the subject of the Trinity and the person of Christ in early ages, and have fair ground for doing so, it should not be forgotten that there are some incidents in the history of the controversies upon those points which are very perplexing to those of them who maintain the infallibility of the Pope. In the fourth century, Pope Liberius subscribed an Arian creed, condemned Athanasius, and persecuted the orthodox Trinitarians; and in the seventh century, Pope Honorius sanctioned the error of the Monothelites, and was in consequence condemned as a heretic by the Sixth General Council.\*

Now, this is the substance of all that Mr Newman has brought forward in illustrating and applying the "preservation of the type, or idea," in order to prove that the Romish additions to New Testament Christianity are legitimate developments, and not corruptions. This is the first test which he lays down; it is that which he illustrates at greatest length; it is the most precise and the most plausible of the whole seven, except logical sequence; and yet this is all he makes of it. Continuity of principle, power of assimilation, and preservative additions, are far too vague and indefinite, and afford too much scope for loose and incoherent speculation about the connection of ideas after the German fashion, to be of any practical value as tests to discriminate between developments and corruptions; and Mr Newman's illustrations of them are just what might be expected from the specimens already given. The two remaining tests are early anticipation and chronic continuance. But these do not of themselves afford any presumption in favour of Romish additions to Christianity. Corruptions might be early indicated in their germs, and, after being expanded, might prevail long and widely, as well as legiti-

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\* These facts are fully established | *tionis Cleri Gallicani*. P. ii. lib. xii.  
by Bossuet in his *Defensio Declara-* | et xiv.



virtually settles the question of the general tendency of Tractarian or High Church views. There are obvious reasons, sufficiently numerous and powerful, to lead men to remain in the Church of England as long as they can; and the fact that Mr Newman and his friends have acted in opposition to all these influences, is a much more decisive indication of the real tendency of Tractarianism than the fact that many Tractarians have remained behind. Romanism is the legitimate development of Tractarianism, standing to it in a very different relation from that in which Socinianism stands to Calvinism. Tractarianism substantially agrees with Romanism in corrupting, and in the way in which it corrupts, the rule of faith, the divine method of justification, and the whole worship and government of the church of Christ. Their agreement upon these points is great and substantial, while their differences are trifling and incidental. Tractarians used to boast that their principles were the only ones on which the Church of Rome could be successfully opposed, and confidently predicted, that though Romanism might get accession from other parties, it would get none from them. This is set forth with much confidence and complacency by Mr Gladstone in his "Church Principles," and by Dr Pusey in his "Letter to the Bishop of Oxford." Dr Pusey, indeed, has discovered a statistical proof of the soundness of his position: "In Scotland, no member of the church (the Prelatic) has fallen off to Romanism; in Edinburgh alone the Romanists boast of a hundred converts from Presbyterianism yearly."\* But, to do him justice, we must mention that he had even then (in 1839) some faint and lurking apprehension that Satan might succeed in injuring the cause of church principles by tempting some of their defenders to go over to Romanism. He was confident, however, that if cases of this kind should occur, they would be found only among the least learned and intelligent of the party. "It were nothing whereat to be dismayed, were Satan allowed in some cases to pervert these doctrines, and to mislead into Popery some who had partially embraced them."† What does he say now of Mr Newman and his friends? And what will he do to recover them from the snare of Satan? It must be very mortifying to Dr Pusey to find that some of the extracts from Mr Newman's writings, which he paraded in the appendix to his

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\* P. 221.

† P. 237.

one may properly be designated his temporal supremacy, as being co-extensive in the sphere of its operation with his spiritual supremacy as the head of the church, and as being based in the middle ages upon the same divine right; while the other is accurately described as his temporal sovereignty. Gosselin's work contains nothing upon the subject of the Pope's spiritual supremacy as the head of the church, but consists chiefly of historical researches in regard to his temporal sovereignty and his temporal supremacy.

He has a long Introduction, occupying about a fourth part of the volume, on "the honours and temporal prerogatives granted to religion and its ministers among ancient nations, and especially under the first Christian emperors." This Introduction is directed to the object of showing, that among the most enlightened heathen nations of antiquity the ministers of religion possessed a large amount of wealth and property, enjoyed many important privileges, and exerted a considerable influence in the regulation of national affairs; and that Constantine and the first Christian emperors acted wisely in confirming to the church all the property she had already acquired, in greatly increasing its amount by donations of money and lands, and in conferring upon the clergy many important privileges, a considerable extent of judicial authority, and political influence. The way is thus paved for removing prejudices, and conciliating favour towards the temporal sovereignty which arose in the eighth century, and the temporal supremacy which was first fully claimed and exercised in the eleventh; as if these were the natural and appropriate results of an earlier and more unobjectionable state of matters, the legitimate consequences of the general condition of the church and the world, demanded by the exigencies of the times, and introduced with the general concurrence and approbation of Christendom. It is, no doubt, true historically, that the temporal sovereignty and supremacy, as well as the spiritual supremacy, of the Pope, can be traced back to small and comparatively unobjectionable beginnings; but it seems more reasonable to judge of the true character and tendency of the whole system by its full and mature development rather than by its first imperfect germs. And though it is easy enough to point out circumstances in the condition of the church and the world which greatly promoted the progress of the power and ascendancy of the Popes, and which may even be said to palliate their procedure, in the sense in which temptation and opportunity

may be said to palliate crime, yet there is nothing in this inconsistent with the truth of the position, that the Popes steadily and supremely laboured for the promotion of their own selfish interests, and skilfully and unscrupulously improved everything for promoting their own aggrandizement.

The first part of Gosselin's work is occupied with a historical exposition of the origin and foundations of the temporal sovereignty of the Pope; and the second and larger part, with the wider and more important subject of his temporal supremacy, or his assumed power over sovereigns and kingdoms. We mean for the present to confine our attention to the first of these subjects,—namely, the sovereignty of the Pope as a temporal prince over the States of the Church, or the Patrimony of St Peter.

It may not be uninteresting to our readers to give a brief notice of the origin and foundation of the temporal sovereignty of the Pope, with a few remarks upon the probable bearing of the loss or the retention of this temporal sovereignty upon the general interests of Popery.

The first part of Gosselin's work is divided into two chapters,—the first giving an “exposition of the facts relative to the temporal power of the Pope in Italy, from the conversion of Constantine to the elevation of Charlemagne to the empire;” and the second containing “a critical examination of the different questions which have been discussed in modern times in regard to its origin and foundations.” We shall advert to the facts of the case only in so far as they bear upon the discussions which have taken place concerning the grounds and foundations of this temporal sovereignty.

Gosselin dates the commencement of the Pope's power as a temporal prince, from the Pontificate of Gregory II., who filled the Papal chair from the year 715 to 731. At the same time, he admits that during this period the sovereignty of the Emperor of Constantinople was still generally acknowledged in Italy, and that the authority of Gregory II., and his two successors Gregory III. and Zachary, over the city of Rome and the neighbouring territory, was only imperfect and provisional, not absolute and definitive. The absolute and independent sovereignty of the Popes over the city and duchy of Rome, and over the exarchate of Ravenna, he dates from, and founds on, the donation of Pepin, King of France in 754,—a donation afterwards confirmed and

enlarged by his son Charlemagne. He zealously contends, that from the time of the donation made by Pepin to Stephen II., the Popes continued to be the exclusive possessors of the absolute sovereignty of the duchy of Rome and the exarchate of Ravenna, both during the reigns of the French Emperors of the Carlovingian family, and of the German Emperors who succeeded them. This last position is generally controverted by Protestant writers, and is admitted to be unfounded by some eminent Roman Catholics, such as Bossuet and Fleury. Protestants generally contend, and Gosselin has not succeeded in answering their arguments, that the donation of Pepin, confirmed and extended by Charlemagne, did not confer the absolute sovereignty of these territories upon the Popes, but that they still acknowledged some vague sort of dependence for their temporal possessions upon the Emperor, as Sovereign Lord or feudal superior, till the time of Gregory VII., when they began to put forth a claim to universal jurisdiction in temporal matters over kings and emperors. This point, however, is involved in great obscurity, and it is not one of much practical importance; for there is no reason to doubt that Pepin and Charlemagne, possessing Northern Italy by the right of conquest, having taken it by force of arms from the Emperor of Constantinople and the Lombards, did give these territories to the Popes as temporal princes, and that this donation was met by the general concurrence of the inhabitants of these countries. The two principal additions which, since the eighth century, have been made to the States of the Church, are derived from the donation of the famous Matilda, Countess of Tuscany, the devoted admirer, though probably not the mistress, as has been alleged, of Gregory VII., in the end of the eleventh century, and from the military skill and success of Pope Julius II. in the beginning of the sixteenth. This Pope being full of ambition, and fond of war, attacked the Venetians without any just cause, took the command of his army in person, gained several victories, mounting the breach at the head of his troops at the siege of Mirandola, and by these means succeeded in making considerable additions to the patrimony of St Peter. These are the principal facts connected with the origin of the temporal sovereignty of the Popes, and we have now to advert to the discussions which have taken place in modern times in regard to its ground or foundation.

From the ninth century down to about the time of the Re-

formation, the Popes and their champions were accustomed to appeal, as the foundation of their right to the temporal possessions they held, and as a vindication of the attempts they sometimes made, by wars and intrigues, to extend their territories, to what was called the donation of Constantine,—a document in which the first Christian Emperor, when he resolved to make Constantinople the capital of his dominions, made over, in perpetual sovereignty, “Rome, Italy, and all the provinces of the West,” to the Bishops of Rome. This document, though often quoted and founded on by Popes as genuine,—embodied in the decree of Gratian, which forms the first part of the *Corpus Juris Canonici*,—and received with implicit credence for several centuries, is now universally acknowledged to be a forgery. Indeed, scarcely any Romanist of character has maintained its genuineness since the exposure of it by Laurentius Valla, in the latter part of the fifteenth century. Many Romanists, however, even since the Reformation, while admitting that the *document* is a forgery of a later age, have contended that, as matter of fact, Constantine did make such a donation to the See of Rome, and thus gave to the Popes a valid right to temporal sovereignty. No evidence of this position has ever been produced, and it is conclusively disproved by the known facts of history. We have no trace of any such sovereignty having been conferred on the Popes by Constantine until the appearance of the forged donation in the eighth or ninth century. It is quite certain that the successors of Constantine acted, without challenge or remonstrance from the Popes, as the undoubted sovereigns of Rome and Italy, until the overthrow of the Western Empire by the Goths and Heruli. After Italy was reconquered by the Eastern Emperors, about the middle of the sixth century, the same state of things continued, the Popes unhesitatingly acknowledging the Emperor as their sovereign. Matters stood on the same footing during the whole of the seventh century. Even in the early part of the eighth century, when the increasing weakness of the Eastern Empire, its inability to defend Italy from the incursions of the Lombards, warranted the Italians to assume independence, and to endeavour to provide for their own safety, and while the Popes were diligently labouring, by the skilful improvement of this state of matters, and of the controversy about image-worship, to extend their own political influence, they still continued to acknowledge

the authority of the Emperors over them ; nay, we have indications of this being still acknowledged by the Popes after the donation of Pepin in 754, as if they were scarcely satisfied that even then they had sufficient warrant for formally withdrawing their allegiance from their old masters.

Gosselin, like most modern Roman Catholic writers, admits not only that the document called the Donation of Constantine is a forgery, but also that no such donation was made. The history of this document is involved in great obscurity. It is still made a question whether it was forged in the eighth or the ninth century ; and both views have found advocates, equally among Protestants and Romanists. Mosheim contends that it existed in the eighth century, and refers, in proof of this, to a letter from Pope Adrian I. to Charlemagne ; but Gosselin has shown, we think, that the evidence derived from that source is unsatisfactory, and that there is no proof of its existence till near the end of the ninth century.

It seems to have been first published along with that most extraordinary collection of forgeries, the decretal epistles of the Popes, or the pseudo-Isidorian Decretals, as they are commonly called, from the collection and publication of them having been falsely ascribed to Isidore of Seville. This was a series of letters professing to be written by the Bishops of Rome, about forty in number, from the time of Clement, the immediate successor of the apostles, down to Siricius, who filled the Papal chair about the end of the fourth century, and representing the Popes, whose names they bore, as claiming and exercising, from the earliest times, all the powers and prerogatives which were usurped by their successors in the dark ages. They were all forged, like the donation of Constantine, in the ninth century, and they were thereafter diligently employed, as if they had been genuine and authentic documents, to increase the Papal authority and influence. Though these forgeries imposed upon the whole church for several centuries, and were embodied by Gratian in the Canon Law, they could not stand the light of the Reformation. The fraud was then detected, and conclusively exposed, and it has been almost ever since admitted by all Papists of learning.

All that Roman Catholic writers in modern times attempt in the discussion of these extraordinary forgeries, so peculiarly characteristic of the Romish Church, is to show that these documents did not exert so much influence as Protestants commonly



ascribe to them, in *originating* claims and pretensions on the part of the Popes previously unknown, or in *introducing* changes into the government and discipline of the church. This general position they can make out very fairly in regard to the donation of Constantine, since there is no evidence that it was in existence until after the donations of Pepin and Charlemagne, on which mainly the Pope's temporal sovereignty is based. The case, however, is very different with the forged decretal epistles. It has been conclusively proved, that these epistles claimed for the Popes an extent of power or jurisdiction over the church unwarranted by the law or practice of any preceding period, and that being received as the productions of the venerable men whose names they bore, they contributed greatly to the general admission of the claims advanced in them; and that thus, in point of fact, the establishment of the Papal domination over the Western Church was greatly promoted by a gross and scandalous forgery of the ninth century. This has been in substance admitted by some of the most learned and candid of the Romanists, especially by De Marca and Fleury.\*

Gosselin having put aside, as unworthy of consideration, the donation of Constantine, which was so frequently pleaded by the Popes and their defenders for several centuries previous to the Reformation, lays down, as his first position on the origin and foundation of the Pope's temporal sovereignty, this doctrine,—“that it does not owe its origin to any alleged *jus Divinum*, or to the theological opinion of the right of the church or the Pope to dispose of temporalities for the greater good of religion.” His object in giving prominence to this position is evidently twofold: *first*, to weaken the evidence that the church ever held this theological opinion,—an opinion so groundless and so unpalatable in modern times, that scarcely any Romanist, even on the other side of the Alps, now ventures to maintain it; and, *secondly*, to guard against the prejudice that might be excited against the Pope's sovereignty, as if it

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\* De Marca, “de Concordia Sacerdotii et Imperii,” lib. vii., throughout, and especially c. xx. The fourth of Fleury's very ingenious, candid, and elegant “Discours sur l'histoire Ecclésiastique,” is chiefly devoted to the object of pointing out the changes which the forged decretal epistles in-

roduced into the government and discipline of the church. And the accuracy of his statements upon this point is clearly proved in an excellent anonymous defence of his Discourses, entitled, “Justification des Discours de M. L'Abbe Fleury,” p. ii. Nancy, 1737.

were to be traced to the same origin to which his temporal supremacy has been commonly, though, as Gosselin labours to prove, erroneously ascribed, and had no better foundation to rest upon. He has substantially proved this position; for it cannot be shown that the Popes have been accustomed to found their claim to the temporal sovereignty of the States of the Church upon a divine right. But while the Popes have not based this claim formally and directly upon a divine right, they have often, in accordance with their general policy in other matters, insinuated something of this sort, and tried to borrow some sanction for their temporal sovereignty from their divine right, as the vicars of Christ and the rulers of His church. Hence it was that they were accustomed to call their temporal possessions the patrimony of St Peter, and to allege that any interference with them was an injury done to the Apostle. When, about the middle of the eighth century, Rome was besieged by the Lombards, and reduced to great extremity, Pope Stephen II. resolved to apply a second time for assistance to Pepin, King of France; and that the application might be the more influential, it was put in the form of a letter to the King from the Apostle Peter, who, speaking throughout in his own name, but with the concurrence, as he says, of the Virgin Mary, the angels, and the martyrs, most pathetically beseeches Pepin to come and deliver *his* city of Rome, *his* people, and the church where *his* bones reposed, from the violence of the Lombards, and assures him of success in the war, and of eternal happiness as the reward of his services. This letter of Peter is not to be regarded as a forgery, for Stephen probably did not intend or expect that it should be received as a real production of the Apostle; but it is a curious specimen of the age, and it illustrates the policy of the Popes in endeavouring to identify their temporal sovereignty with the spiritual claims, as the successors of Peter, which they based upon divine authority. This policy they have always pursued more or less openly; and even in our own day, we have seen that the present Pope, in his protestation against the abolition of his temporal sovereignty, declares his right to it to be *sacred*.

Another way in which Romanists have sometimes attempted to procure for the Pope's temporal sovereignty a sort of sanction from divine authority, is by representing the possession of it, as the present Pope does in his protestation, as indispensable to the



free exercise of his spiritual power; and by tracing the origin and preservation of it to the special *approving* providence of God. De Maistre, in his celebrated work, says,\* “that a secret hand chased the emperors from the Eternal City, to give it to the head of the Eternal Church;” and he thinks that the donation of Constantine may in a sense be said to be true and real, as it was just in substance a virtual embodiment of the true sentiment generally entertained in after ages,—namely, that Constantine was led to retire to the East under the special guidance of God, that he might make way for the Pope, and leave Rome to him for whom it was destined. And Gosselin, though never indulging in flights of fancy like De Maistre, does not fail to refer to the special providences observable in this matter. Protestants believe that the temporal sovereignty of the Pope was brought about by the determinate counsel and foreknowledge of God; but they deny that there is anything deducible from the history of this matter, or from any other source, which affords any indication of the divine *approbation* either of the actors or of the result; nay, they see clearly, in all the remarkable providences connected with it, the realization of the Apostle’s statement about the removing out of the way of that which “letted” or hindered the rise and revelation “of the man of sin, the son of perdition.”

The older Romish writers usually dealt with this subject of the temporal sovereignty of the Pope—in so far as its relation to a *jus Divinum* is concerned—very much in the same way in which they treated the subject of ecclesiastical liberty, or the freedom of the church,—phrases which, in the mouth of a Romanist, mean just the exemption of the clergy from the jurisdiction of the ordinary national tribunals, even in civil and criminal questions. They were not very willing to admit that this exemption, in so far as it was enjoyed, rested *solely* upon the grant or concession of the civil power. They could not, with any plausibility, maintain explicitly and formally, that it had a *jus Divinum* to rest upon, and therefore they laboured to involve the whole matter in obscurity and confusion, and to insinuate some sort of divine right as attaching to the subject, by means of subtle distinctions and far-fetched inferences† This, too, was in substance the way in which they

\* Liv. ii. c. vi. p. 180.

† A specimen of this mode of treating the subject of ecclesiastical liberty

or clerical immunity, may be seen in Bellarmine, “De Clericis,” lib. i. c. xxviii.—xxx.

used to treat the subject of the Pope's temporal sovereignty. Now, however, all claim to divine authority in this matter is commonly abandoned, except in the shape of an occasional insinuation.

Gosselin's second position as to the foundation of the Pope's temporal sovereignty is, "that it does not owe its origin to the ambition and political intrigues of the Popes of the eighth century;" and his third and last is, "that it has been founded, ever since its origin, upon the most legitimate titles," namely, the necessities and exigencies of the case in the condition of Italy, the general wish and consent of the people, and the donations of Pepin and Charlemagne. Now, we remark upon these two positions, generally, that they are not necessarily, and in every sense, opposed to, or exclusive of, each other. It may be true that the origin of the temporal sovereignty of the Holy See is to be traced to the ambition and political intrigues of the Popes of the eighth century; while it may also be true, in some sense, and according to the general principles usually applied to these matters, that it was based upon legitimate and valid grounds. Some of the more candid Roman Catholics have admitted, as Gosselin complains, the truth of the first of these positions, while they contend for the truth of the second; and for ourselves, while we think it an easier thing to prove the truth of the first than of the second of these positions, we have no great objections to receiving them both. We are not warranted in determining the legitimacy and validity of men's right or title to power or property, by the character and motives of the parties who have acquired them, nor even by the accordance with the law of God of the means by which the acquisition has been made.

Some of the Reformers before the Reformation, such as Arnold of Brescia in the twelfth, and Wiclyffe in the fourteenth century, seem to have been so disgusted with the iniquitous way in which power and property were usually acquired and employed by the ecclesiastics of these periods, as to have been led into the extreme of approximating at least to the idea, that dominion is founded on grace, or on personal worth of character, and on the scriptural purity of the means by which it may have been acquired. But these views have not been generally adopted by Protestants, most of whom, on the contrary, have consistently maintained the position, that Christianity, while forbidding selfishness, ambition, and deceit in every form, leaves the subjects of

political power and property to be regulated by the natural principles which in right reason are applicable to them. We think there is abundant ground for the allegation, that the Popes of the eighth century were ambitious men, and dealt largely in political intrigue—that selfishness and ambition led them to aim at political power and temporal sovereignty, and that, by political intrigues and other very questionable means, they succeeded, to a large extent, in these objects. An impartial survey of their conduct warrants this allegation, and there is nothing in their general character, in so far as we have the means of knowing them, to contradict it, or render it improbable. The Popes of the eighth century were not, indeed, speaking generally, like those of the tenth, men of notorious and infamous profligacy ; but there is no good ground to regard them as men of piety, or of pure and elevated motives. Their general character and conduct were plainly those which have distinguished the generality of princes and politicians in every age,—that is, they were irreligious men, who were bent on advancing their own selfish and ambitious objects, and were not very scrupulous about the means they employed for attaining their ends ; and all this was aggravated by their professing to be not only ministers of Christ, but the rulers of the church.\*

But though the Popes of the eighth century were no better in their character and conduct than the generality of princes and politicians, neither did they fall greatly below the common worldly standard in their interferences in public affairs. They succeeded in acquiring temporal sovereignty without incurring much more guilt than has usually been exhibited in the acquisition of a crown, in cases where there has been a deviation from the established law of succession ; and they were able at length to establish their right to the States of the Church upon grounds which are commonly regarded as furnishing a legitimate and valid title.

There is good reason to believe that the Popes of the eighth century excited the Italians against the Emperors of Constantinople for the accomplishment of their own selfish and ambitious projects ; that they cunningly employed their spiritual authority,

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\* Milner (History of the Church of Christ, Cent. viii. c. iii.) is disposed to regard the Pontificate of Gregory II., about the year 727, as the era of the maturity of Antichrist, founding

chiefly upon the combination which it presents of the virtual acquisition of temporal sovereignty, and the open advocacy of the worship of images.

and improved the controversy about image-worship, for promoting their designs; and that some of them made professions of submission and allegiance to the Emperor while they were plotting against him. But still, there can be no reasonable doubt that the people of Italy were warranted in withdrawing their allegiance from the Emperor of the East, since he was wholly unable to discharge the functions of a sovereign, and to afford them protection against the incursions of the Lombards. They were warranted to take measures for their own protection, and, with that view, to call in the assistance of the King of the Franks, and to establish whatever form of government they thought proper. When the Lombards were subdued, the only parties who could put forth anything like a claim to the Roman territory were the people who inhabited it, and Pepin and Charlemagne, who had conquered and protected it. Pepin and Charlemagne made a donation of it to the Pope and his successors, and the people seem to have willingly concurred in this arrangement, under the belief that the Papal government was, in the circumstances, the best that was practicable—the best fitted to secure their safety and welfare. On these grounds it seems evident, that, according to the principles by which these matters are usually estimated and determined, the Popes succeeded in getting a legitimate and valid title to the city and duchy of Rome, and the exarchate of Ravenna,—a title as good and unexceptionable as that which any of the royal families of Europe have to their dominions. And even though there had been greater difficulties than can be adduced about their original title to these territories, or to the additions made to them in the eleventh and sixteenth centuries, the long prescription which has run upon their possession, and the implied consent of many successive generations of their subjects, would be quite sufficient to establish their title, and to show that the Popes have a right to their temporal sovereignty at least equal to that which can be pleaded in behalf of that of any of the royal families of Europe.

The only objection that can be made to this view of the right of the Popes to their temporal sovereignty is, that it is unlawful for a Christian minister to become a temporal prince. We believe this principle to be a sound one,\* but we are not sure that it is

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\* For a discussion of this topic, see | Bellarmine's answer, "De Rom. Pont.,"  
Calvin's Institutes, B. iv. c. xi.; and | lib. v. c. ix. et x.

relevant to the purpose for which it is here adduced. It only proves, in strictness, that a man is not entitled to be regarded as possessed of both these characters at one and the same time. If he claims both characters, then we contend that *this* claim is unfounded. If a man, being a minister of Christ, aspires to and enters upon the office of a temporal prince, we assert that he thereby becomes guilty of sin, and forfeits the character of a Christian minister. But we are not prepared to deny the validity of the election which he has made, sinful though it be; and while we will no longer recognise him as a Christian minister, we do not feel bound to deny that he may be a legitimate temporal prince. This, of course, is not the only ground on which we deny to the Pope the character of a Christian minister. There are other and stronger reasons which induce us to withhold from him this title. He claims the title and the office of the Head of the Church, and he is set forth in Scripture as the "man of sin" and the "son of perdition." That he puts forth this claim, and that he bears this character, are facts that ought never to be forgotten, and that should materially affect every view which we take of him, and every relation in which we may stand to him. They furnish sufficient ground not only for refusing to him the title of a Christian minister, but for regarding him, and the whole system which he represents and superintends, with the deepest abhorrence, and with unceasing watchfulness and apprehension; but they do not afford sufficient reasons for denying that he may have become the legitimate sovereign of a kingdom.

But while we admit that the temporal sovereignty which the Popes have long exercised over the States of the Church, has rested upon grounds as valid and legitimate as those which can be pleaded in behalf of any of the other temporal princes of Europe, we must also contend that their subjects possessed, and still possess, the same rights as those of any other sovereign; and it is important to advert to this point, for this position is now denied by many who are advocating armed interference for the restoration of the Pope to his temporal sovereignty. Even in republican France, there are men who deny to the late subjects of the Pope, the rights which they would concede to any other nation, upon the ground that the States of the Church virtually belong, not to the people who occupy them, but to the "Catholic world;" and that all Catholic nations have a right to interfere, with the view of

securing that they shall be governed in the way which the interests of the "Catholic Church" may seem to demand. This notion we regard as utterly unfounded. There are just two legitimate alternatives upon this subject,—either the people of the States of the Church, who have constituted for many centuries a distinct and independent kingdom, have all the ordinary rights which other nations possess, to provide for their own welfare and good government, or else there must be some divine authority vested in the Pope or in the "Catholic world" which excludes or limits these rights. There is no other source from which any exclusion or limitation of the ordinary rights of nations can be legitimately derived. And as neither the Pope nor the "Catholic world" can produce divine authority for any *special* rights in the Government of the States of the Church, it follows that the people of that country have, with reference to both these parties, the same rights which any independent nation has with reference to its sovereign and to the neighbouring kingdoms. The Patrimony of St Peter has for many centuries been the worst governed country in Europe, that in which the great ends of government were most completely neglected or frustrated, in which the welfare of the subjects was most thoroughly disregarded or obstructed. This result was manifestly the necessary consequence of the nature of the government to which the country has been subjected. It combined all the ordinary evils of a despotism and an oligarchy, aggravated by two remarkable peculiarities: first, that the despot and the oligarchs for the time being,—that is, the Pope and the leading cardinals,—had usually interests to promote and objects to aim at, distinct from, and independent of, the general welfare of the country which they governed; and, secondly, that they had only a period at once brief and uncertain, dependent on the life of an old man, for making their possession of the government subservient to the selfish interests of themselves and their connections. From these causes, the States of the Church have long been the worst governed country in Europe; and as the people of that country had an equal right with France or any other independent kingdom, to provide for their own welfare, so they had far stronger grounds for the conviction, that this object could be effected only by a fundamental alteration in the nature of that government under which they had so long groaned,—in other words, by the abolition of the temporal sovereignty of the Pope.



The Pope has publicly declared his conviction, that the restoration of his temporal sovereignty is indispensable to the free exercise of his functions as the spiritual head of the church ; and on this point we are disposed to agree with him. Indeed, we are so deeply impressed with the skill and dexterity with which the Popes have been accustomed to prosecute their own interests, and with the marvellous success which has attended their efforts, that we are inclined usually to regard the fact, that they have deliberately adopted a certain line of policy, as affording a presumption that it is the best for their objects. They are not indeed infallible in regard to temporal, any more than in regard to spiritual, matters. But in the case before us, the grounds for concurring in the opinion of the Pope as to the injurious bearing of the loss of his temporal sovereignty upon his spiritual power and authority, are strong and manifold. It is true, that there is no connection between them in point of argument and speculation, and that all the grounds on which he claims to be regarded and treated as the head of the church remain untouched by his loss of temporal sovereignty,—a truth which Dr Wiseman, who is at present the leading champion of Popery in this country, has expressed in the following terms :—“ The sovereignty of the Pope over his own dominions is no essential portion of his dignity : his supremacy was not the less before it was acquired, and should the unsearchable decrees of Providence, in the lapse of ages, deprive the Holy See of its temporal sovereignty, as happened to the seventh Pius, through the usurpation of a conqueror, its *dominion* over the church, and over the *consciences* of the faithful, would not be thereby impaired.” \*

But though the loss of his temporal sovereignty does not in speculation affect the grounds on which his spiritual supremacy is based, or the arguments by which it is defended, it may affect the impression which these arguments make on men’s minds ; it may impair in various ways the advantages and facilities which the Pope may possess for securing the continued admission of his claims to spiritual domination ; and it may even tend to aid men in discovering their baselessness. Though the acquisition of temporal sovereignty was the result of political influence acquired by

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\* Lectures on the principal Doctrines and Practices of the Catholic Church, Lect. viii. vol. i. p. 264.



a dexterous use of spiritual authority, it exerted a great reflex influence in confirming and extending that spiritual power in which it originated. We can scarcely conceive that the Popes could have succeeded in establishing and preserving their spiritual supremacy as the sole monarchs of the church, if they had not succeeded at an early period in securing an independent position as temporal princes,—if they had continued in the condition of subjects to some one of the sovereigns of Europe. There is an incongruity in the head of the universal church being bound by any special ties to some one particular kingdom in which he resides, and taking the position, as in that case he must necessarily have done in the long run, of a subject of its sovereign. The Bishops of Constantinople were at one time as aspiring in their pretensions as the Bishops of Rome, but what a contrast does their history present! The Bishops of Rome first succeeded in establishing themselves as temporal princes, and thereafter in securing both a temporal and a spiritual supremacy over the whole Western Church. The Bishops of Constantinople, who remained from necessity the subjects in temporal matters of the Eastern emperors, sunk into a condition of the most degrading subjection to the civil power, even in ecclesiastical affairs, and became the mere tools and puppets of the imperial court. The supremacy which the emperors assumed and exercised over the Patriarchs of Constantinople during the middle ages, has given rise to a peculiar application of the word *Byzantinism*, which is often used by continental writers in the same sense in which, in this country, we commonly use *Erastianism*, to describe, not the precise relation that subsisted between the civil and the ecclesiastical authorities in Constantinople or Byzantium, but more generally the unlawful subjection of the ecclesiastical to the civil power.

The residence of the Popes at Avignon during the greater part of the fourteenth century,—their palpable subjection during that period to the influence of the Court of France (though the town of Avignon itself was the property of the Pope),—and the means to which they were then obliged to have recourse in order to raise money, tended greatly to impair the respect with which men had been accustomed to contemplate the head of the church; and thus paved the way for the reception, in the fifteenth century, of the doctrines of the Councils of Constance and Basle, as to the superiority of a council over a Pope, and ultimately for the great

revolt of the Reformation. Pope Pius VII. was, in 1809, deprived of his temporal sovereignty by Napoleon, and lived for several years thereafter an exile, and virtually a prisoner, in France ; and Romanists have since commonly employed the vicissitudes in the life of Pius VII. as materials for declaiming upon the indestructibility of the Papacy, and the certainty of its recovering from every reverse of external circumstances. It is true that no permanent mischief seems to have resulted to the Papacy from this temporary loss of temporal sovereignty, and that the damage it may have then sustained has since been repaired. But the tendency of it was felt at the time, and has been acknowledged since, by reflecting Romanists, to be most injurious to the interests of Popery, and fitted to break the *prestige* with which they think it expedient that the head of the church should be invested. Gosselin states this very strongly, and rejoices heartily that the experiment of a Pope expelled from Rome, and deprived of temporal sovereignty, did not last long enough to produce its appropriate results. He says, "No one can be ignorant how much the church suffered during the last years of the reign of Napoleon, as the result of his seizure of the Roman States, and of the captivity to which he reduced the head of the church. We cannot think, without trembling, of the fatal consequences which might have resulted from these tyrannical measures, if Providence had not speedily overturned the power of Napoleon."\* The possession of Rome, which was so long the mistress of the world, and which is described by Dr Wiseman† as "that holy city, where all that is Christian and Catholic bears the stamp of unfading immortality,"—combined with independent sovereignty,—harmonizes well with a claim to headship over the whole church, and has no doubt contributed much to produce a ready and general reception of this claim ; while the loss of Rome and independence, if prolonged for some time, must tend greatly to weaken the hold which the idea of the Pope's spiritual supremacy has acquired over men's minds.

Romanists will, no doubt, labour diligently to call forth and sustain the fanaticism of the faithful in regard to the Pope in his spiritual character as the vicar of Christ by divine appointment, and they may succeed in this to some extent, and for a time ; but

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\* P. 323.

† Lec. v. vol. i. p. 159.

they will find this work attended with great difficulties, and followed only by partial and temporary success. We are very far from believing that Popery is wholly dependent upon external and adventitious circumstances for the influence it has acquired over men's minds. It has, indeed, largely used, and most skilfully improved, this class of influences; but it is not wholly dependent upon them; and he must know little of Popery and of human nature who can adopt this notion. Still, like every false system, it must depend, to some extent, for its influence upon external and adventitious circumstances, and be liable to be considerably affected by outward changes. The supremacy of the Pope, as the head of the universal church, is a department in the Popish system peculiarly liable to be affected by external influences; and it is, we think, extremely improbable, that, if he were to remain for a long period deprived of his temporal sovereignty, and of the patrimony of St Peter, he would continue to be regarded and treated, even by the "Catholic world," with the veneration and submission which his claim to be the successor of Peter in the government of the church has hitherto inspired.

Our readers may be interested in the opinion of two very eminent men—Bossuet, Bishop of Meaux, and Napoleon, Emperor of France—upon some of the points we have discussed. They are presented in combination in the following extract which Gosselin gives from Artaûd, "*Histoire du Pape Pie VII.*" In 1811, Napoleon had appointed a commission to consult about the affairs of the church; and it was at one of the sittings of this commission that the following remarkable conversation took place between him and the Abbé Emery, a man for whom the Emperor always professed the greatest respect. Napoleon said, "I do not dispute with you the spiritual power of the Pope, because he has received it from Jesus Christ; but Jesus Christ did not give him his temporal power: it was Charlemagne who gave him it; and I, the successor of Charlemagne, mean to take it from him, because he does not know how to use it, and because it hinders him from exercising his spiritual functions. M. Emery, what think you of that?" . . . "Sire," replied M. Emery, "your Majesty honours the great Bossuet, and is pleased to quote him often; I can have no other opinion on that subject than that of Bossuet, in his '*Defence of the Declaration of the Clergy*,' where he expressly maintains, that the independence and the full liberty of the head of the church

are necessary for the free exercise of the spiritual supremacy, in the actual condition of there being many kingdoms and empires. I shall quote exactly the passage, which is impressed on my memory. Sire, Bossuet speaks thus: ‘*We know that the Roman Pontiffs and the sacerdotal order hold by the grant of princes, and possess legitimately, goods, rights, and principalities, as other men possess them. We know that these possessions, being dedicated to God, should be held sacred, and that we cannot, without committing sacrilege, take them from them and give them to laymen. Men have granted to the Apostolic See the sovereignty of the city of Rome, and other possessions, in order that he might exercise with more liberty his power over all the world. We congratulate upon this not only the Apostolic See, but the whole church; and we wish, with all our heart, that this sacred sovereignty may remain safe and entire in every respect.*’” Napoleon, after having listened with patience, answered gently, as he was accustomed to do when he was plainly contradicted, and spoke thus: “I do not refuse the authority of Bossuet—all that was true in his time; when Europe recognised several masters, *it was not suitable that the Pope should be subject to one particular sovereign.* But what inconvenience is there that the Pope should be subject to me, now that Europe knows no other master than me alone?” M. Emery was a little embarrassed, because he did not wish to make a reply which might wound the pride of the Emperor. He contented himself with saying, that it was possible that the inconveniences foreseen by Bossuet might not take place under the reign of Napoleon, or under that of his successor; then he added: “but, Sire, you know as well as I the history of revolutions: *that which exists now may not exist always;* in their turn, the inconveniences foreseen by Bossuet might reappear. We must not change, then, an order so wisely established.”

## CHAPTER IV.

### THE TEMPORAL SUPREMACY OF THE POPE.\*

THE subject of the Pope's temporal supremacy,—or, more generally, of the right of the church, and of the Pope as ruling and representing it, to interfere authoritatively in the regulation of civil and secular affairs,—has been for above seven hundred years discussed and debated within the Church of Rome itself, and it has been one main occasion of internal divisions and contentions among its adherents. It has led to a great deal of interesting discussion as to the origin, grounds, and objects of civil and ecclesiastical power, and the functions and relations of the civil and ecclesiastical authorities. The Roman Catholic Church of France long reckoned it one of its chief glories, that it had always strenuously opposed the Pope's temporal supremacy, and maintained the independence of the civil power; and many of its most illustrious men—such as Richer, Launoy, De Marca, Natalis Alexander, Bossuet, Fleury, and Dupin—have exerted their great talents and learning in defending views upon this subject which were sound and scriptural, but very distasteful to the Court of Rome. The defence of the Pope's temporal jurisdiction and supremacy by the immediate adherents of the Papal Court,—commonly called by the French, Ultramontanists,—and the opposition made to it by the divines of the Gallican Church, and by Protestants, form a very important and interesting department of the great controversy between the empire and the priesthood—the state and the church—the civil and the ecclesiastical authorities; and a survey of it affords abundant materials for confirming the great truth of the distinctness and mutual independence of the

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\* NORTH BRITISH REVIEW, No. xxiii., Nov. 1849. Art. vi.—*Pouvoir du Pape au Moyen Age, ou Recherches Historiques sur l'origine de la Souveraineté Temporelle du Saint-Siège, et sur*

*le Droit Public du Moyen Age relativement à la déposition des Souverains.* Par M.\*\*\*, Directeur au Séminaire de Saint-Sulpice (L'Abbé Gosselin). Paris, 1845.

civil and ecclesiastical powers, and of the unlawfulness of the one claiming any jurisdiction or right of authoritative control over the other.

The Popes had succeeded in getting themselves generally acknowledged as the vicars of Christ and the monarchs of the church, and had established themselves as temporal sovereigns in the imperial city, before they ventured to claim a general right of authoritative interference in temporal matters, and before they presumed to depose kings, and to absolve their subjects from their oaths of allegiance. Gregory VII., in the latter part of the eleventh century, was the first Pope who claimed and exercised the power of deposing a sovereign, and absolving his subjects from their oaths and obligations, and this has procured for him a very unenviable notoriety. Ever since that time, the generality of the immediate adherents of the Popes have defended this power as justly and lawfully belonging to the head of the church. Not one of his successors in the Papal chair has ever disclaimed this power, while not a few of them have both claimed and exercised it. Innocent III., Innocent IV., Boniface VIII., Clement VII., Paul III., Pius V., Sixtus V., and Gregory XIV., have pronounced sentences of deposition upon Emperors of Germany and Kings of England and France, and have pretended to absolve their subjects from their oaths of allegiance, and to impose it upon them as a Christian duty to carry the Pope's sentence of deposition against their sovereign into practical effect. These proceedings of the Popes have been defended by many of the most eminent Roman Catholic theologians, but they have been vigorously assailed by others, especially by the defenders of what are called the Gallican Liberties; and they have been much dwelt upon by Protestant writers, as affording interesting indications of the character and policy of the Church of Rome, and valuable materials for the exposure of some of the claims which she puts forth.

Notwithstanding the lengthened discussion that has taken place in regard to some of the topics involved in the investigation of this subject, there is no great difficulty in tracing the leading outlines of the history of this claim to temporal supremacy, and of the grounds on which it is based.

There can be no doubt, that the primitive doctrine of the church, in regard to the proper relation of the civil and the ecclesiastical authorities, was that which Scripture so clearly

sanctions,—namely, that the state and the church are, in their constitution, and by God's appointment, distinct and independent societies, each supreme in its own province, and neither having any jurisdiction or authoritative control over the other. Very unequivocal assertions of this great truth, so flatly inconsistent both with the doctrine of the Erastians and with that of the Church of Rome in its palmiest days, have been produced from the Popes of the fifth and sixth centuries—from Gelasius, Symmachus, and Gregory the Great. Similar statements have been produced from Popes even in the eighth and ninth centuries, after they were established as temporal princes, and were generally acknowledged as the heads of the church. These statements are produced and commented upon by the defenders of the Gallican liberties; and they afford ample warrant for the title which Simon Lowth, one of the nonjuring clergy of the Church of England, gave to a curious work which he published in 1716—"The independent power of the church, not Romish, but primitive, and Catholic." It is true, that long before the Popes ceased to disclaim jurisdiction in temporal things, there had been a large intermixture or confusion of the secular and the spiritual. Long before the civil establishment of Christianity by Constantine, the bishops had been accustomed to decide many of the civil questions that arose among Christians in the capacity of arbiters, and their right to decide some questions of this sort was sanctioned and ratified by the first Christian emperors. As they came, in the course of time, to be possessed of large property, this, combined with their influence over the minds of the people, gave them political power—a right to interfere, and a capacity of interfering with effect, in the management of national affairs; and all this they were careful to improve for increasing their authority. The Bishops of Rome had, in their own sphere, their full share of the influence in temporal matters which was derived from these sources, and which, when tried by a mere worldly standard, irrespective of scriptural principles, might be reckoned legitimate; and when they had once succeeded in getting themselves acknowledged as the rulers of the church, as supreme judges in all ecclesiastical matters, they had no great difficulty in persuading men that they had some right of interfering, in the last resort, in all those temporal matters, in the management of which their subjects the bishops had a share.



It is certain, that no sooner were they established as temporal princes, and recognised as supreme rulers and ultimate judges in all spiritual matters, than they determined to bring the whole world and all its affairs under their control, by dragging to their tribunals all temporal questions that had any connection, immediate or remote, with ecclesiastical subjects, and seeking to influence the disposal of crowns and kingdoms. They displayed in this all the selfish ambition, and all the unscrupulous manœuvring, which have always been the great characteristics of the Romish apostasy. So long, however, as the general principle of the distinctness and mutual independence of the civil and ecclesiastical powers was admitted, the Popes could not found their interferences in temporal matters upon a *jus divinum*, but were bound in consistency to admit that it was derived from, and, of course, regulated by, human laws, and the general concession or consent of men. But this state of matters did not satisfy their ambition. It did not afford a sufficiently elevated or secure foundation on which to rest their claims, and it furnished no sufficiently plausible pretence for their assuming the whole extent of power to which they aspired. Human laws, and the consent of parties, would scarcely enable them to grasp sceptres, and to dispose of crowns. And accordingly, we find that the first open attempt of the Popes to depose sovereigns, and to absolve subjects from their oath of allegiance, and the first explicit attempt to base their right of interference in temporal matters upon a *jus divinum*,—upon their divine right to rule the universal church as the successors of Peter and the vicars of Christ,—were contemporaneous.

These two things meet together in the pontificate of Gregory VII., the notorious Hildebrand, in the latter part of the eleventh century. Gregory and his successors founded the right which they claimed, to depose sovereigns, and to absolve their subjects from their oath of allegiance, upon their divine right to *the power of the keys*,—the power of binding and loosing,—upon the supreme and universal dominion possessed by Jesus Christ, and conferred by Him upon Peter, and upon all his successors in the See of Rome. This view was defended by most of the theologians and canonists of the Church of Rome till after the Reformation, though there were always some eminent men, especially in France, who maintained the primitive scriptural doctrine that restricts the

power of ecclesiastical office-bearers to spiritual matters, and asserts the independence and supremacy of the civil magistrate in his own province.\* Scarcely any Romanist now-a-days, even beyond the Alps,—even among those who maintain the Pope's personal infallibility, and his superiority to a General Council in spiritual matters,—ventures to maintain his temporal supremacy,—his right to interfere authoritatively in civil and national affairs; and the labours of those of them who discuss this topic at all, are now commonly directed to the object of palliating the assumptions of the Popes in former times, and concealing or explaining away the grounds on which they were defended. This is the great object of the second part of Gosselin's work, of which we propose to give some account.

Before doing so, however, it may be proper to state more fully how this subject was usually explained and discussed by Romish writers in former times; and with this view we shall refer chiefly to Cardinal Bellarmine, who is still justly regarded as the greatest of Romish controversialists, and without a knowledge of whose works no one can be regarded as fully master of all that can be said in defence of Popery. In the first volume of his great work, "*Disputationes de Controversiis Christianæ fidei adversus hujus temporis Hæreticos*," he treats very fully *De Romano Pontifice*, believing, as he says in his preface, the supremacy of the Pope to be the foundation of Christianity. He discusses this fundamental topic in five books, and the fifth he devotes to the temporal power of the Pope. He has also a separate treatise on the temporal power of the Pope, in reply to William Barclay, a learned Scotchman, who was Professor of Law in one of the French universities, and who had defended the views generally maintained upon this subject by the Gallican Church. This treatise of Bellarmine was condemned and suppressed by the Parliament of Paris, as injurious to the rights of sovereigns. The temporal supremacy of the Pope likewise occupies a prominent place in two very curious works which Bellarmine wrote in reply to King James VI., in the controversy occasioned by that monarch exacting an oath of allegiance of his Roman Catholic subjects after the Gunpowder

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\* There is a full collection of the testimonies of Romish writers against the temporal supremacy of the Pope, in a very learned work of Crakan-  
thorp's, entitled, "The Defence of Constantine, with a Treatise on the Pope's Temporal Monarchy," published in 1621.

Plot.\* In these various works of Bellarmine, we have abundant materials for judging how the subject of the Pope's temporal supremacy was usually stated and discussed at that period, especially if we compare them with the works against which they were written.

In his "Disputationes," he begins his discussion of the Pope's temporal supremacy by stating three different opinions which were held concerning it. The first is, that the Pope has, *jure divino*, immediate and supreme jurisdiction over the whole world, in civil or temporal, as well as in spiritual or ecclesiastical, matters; and he refers to a considerable number of approved writers who supported this opinion. The second, he says, is not so much an opinion, but rather a heresy; and it is this, that the Pope has no power in temporal things, no jurisdiction over secular princes, and no right to deprive them of their authority. This opinion, or rather heresy, he represents, as maintained chiefly by the Reformers; but it had been asserted before Bellarmine's time by some French Romanists, and it was afterwards put forth as one of the four articles of the Gallican liberties, and was openly and explicitly maintained by Bossuet, Fleury, and Dupin. The third opinion, he says, is held by the generality of Catholic writers, and is that which he himself espouses and defends. It is this, that though the Pope has not directly and immediately jurisdiction in temporal things, yet he has indirectly a right of interfering authoritatively in the regulation of them, *in ordine ad spiritualia*, for the good of religion and the interests of the church; and this indirect power or jurisdiction in temporal matters includes a right to depose secular princes, and to abrogate civil laws, when the interests of religion require this. As the Pope is of course the sole judge as to when and how far the welfare of religion,—that is, the interests of the Church of Rome,—require him to interfere in temporal matters, this indirect power of interference gives him as much authority as he may find it convenient to claim; and is thus practically identical with the first opinion, which represents him directly and imme-

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\* When the King complained that Bellarmine, in his first work, had not treated him with the respect due to a crowned head, the Cardinal replied, that the Pope was superior in rank and dignity to all kings, that cardinals,

being next to the Pope, were on a level with sovereign princes, and that he therefore was James's equal. —Bellarmine, *Apologia pro Responsione*, c. iv.

diately as sovereign ruler in all matters temporal and spiritual. Still Bellarmine's denial of the direct temporal supremacy of the Pope was very unpalatable to the Court of Rome; and Sixtus V., to whom his great work was dedicated, had put his treatise *De Romano Pontifice* into the *Index Prohibitorius*. The publication, however, of this Index was delayed by Sixtus's death, and his successor, Urban VII., was prudent enough to erase Bellarmine's name from it before giving it to the world.

Bellarmino, after proving that the Pope is not the lord and master of the whole world, nor even of the Christian world, and that he has not any merely temporal jurisdiction directly *jure divino*, proceeds to prove that he has supreme temporal jurisdiction indirectly. His proof of this is derived partly from reasons and partly from examples. His reasons are deduced from the superiority of the spiritual over the temporal power, as established by the higher and more exalted character of the ends or objects to which it is directed,—the necessity of some power in temporal matters in order to the church's fitness for the full execution of its own functions,—the alleged duty of a nation to depose a heretical king who employs his power for the promotion of error,—and the implied condition attaching to the sovereignty of Christian princes, that they hold their power in subjection to Christ; the two last arguments being supplemented by the assumption, that the Pope is the supreme judge of what is heresy, and of what is accordant with the mind, and fitted to promote the cause, of Christ. His examples in support of his doctrine are the cases of Uzziah and Athaliah, as recorded in the Second Book of Chronicles, and then the instances in which the Popes had actually interfered in deposing sovereigns and in transferring kingdoms,—a branch of evidence which not only Protestants, but the Romish defenders of the Gallican liberties, treat as a very flagrant specimen of begging the question. Upon these grounds Bellarmine openly and explicitly, and without any disguise or qualification, maintains the right of the Pope to depose kings who have become heretics, or who are exercising their power for the injury of religion or the church.

He explicitly asserts also the right of the Pope to absolve subjects from their oaths of allegiance; but, in explaining and defending this right, he makes use of the discreditable juggle which has been adopted by the generality of Romish writers in discuss-

ing the power of the church to grant dispensations from oaths and vows, and which is fully and plainly developed by Dens in his Theology. It is this,—that the Pope does not properly absolve subjects from their oath of allegiance while the oath continues to exist and to bind, but that, by deposing the sovereign, he changes the matter of the oath, and relaxes its obligation by annihilating it, or taking it out of existence. The Pope deposes a sovereign ; as he is entitled to do this, the deposition is validly effected ; and as the person deposed is now no longer sovereign, all obligations contracted to him cease, and the oath of allegiance falls to the ground. These views as to the Pope's deposing and dispensing power are explicitly stated and zealously defended by Bellarmine ; and they have been since maintained, more or less explicitly, by the generality of Romish writers, except those connected with the Gallican Church. The defenders of the Gallican liberties deny altogether the Pope's right to depose sovereigns and to absolve subjects from their oaths of allegiance ; and maintain that, in every instance in which a Pope attempted or professed to do this, he was guilty of unlawful usurpation, and that in asserting his right to do it he was teaching an erroneous doctrine, and affording proof that he was not infallible.

The chief difference to be found among Romish writers beyond the pale of the Gallican Church, with reference to this subject, turns not on the truth of the doctrine of the Pope's deposing and dispensing power, but on the question whether the doctrine has been so sanctioned by the church, or by any authority that represented and bound the church, as that the denial of it was heresy. The French divines contended that the doctrine was untrue, and that though many Popes had taught and acted upon it, the church had never sanctioned it. Other theologians, while holding the doctrine to be true, or professing something like neutrality concerning it, have joined them in trying to show that the church has not settled this point, but left a latitude for a difference of opinion regarding it. This view would probably have been more generally adopted by Romish writers had it not required a sacrifice of the doctrine of the personal infallibility of the Pope ; for it is certain that Popes have maintained this doctrine, and acted upon it. The French think they can prove that no general councils, to which alone they ascribe infallibility, and which they regard as superior in authority to the Pope, have ever sanctioned this doc-

trine. They find it difficult enough to evade the evidence drawn from the proceedings and decrees of the third and fourth Lateran Councils, and of the Council of Constance, in favour of the church's right to exercise jurisdiction in temporal matters, and to dispense with oaths; and they have wisely refused to undertake the burden of attempting any proof of this sort in regard to the Popes. Bellarmine, in his *Disputationes*, spoke of the denial of the Pope's deposing power as almost a heresy, but he afterwards called it heretical without qualification. In the controversy which arose in consequence of King James exacting an oath of allegiance of the Roman Catholics, Bellarmine had to contend not only with the King, but with some of the Romish priests in England who thought it lawful to take the oath, though it embodied a disclaimer of the deposing power, and though the Pope had forbidden them to take it. In the heat of his zeal upon this occasion, he denounced the denial of the deposing power as heretical; and the English priests, on the other hand, maintained that the church had never sanctioned this doctrine, and that they were not bound as Catholics to maintain it. Their champion on this occasion was Roger Widrington, who wrote two books upon the point, namely, *Apologia pro jure Principum*, and a *defence* of it. These are works of very considerable ability; and though they profess to prove only that the denial of the Pope's deposing power is not heretical, and is not clearly and certainly erroneous, they indicate great sympathy with the sound views held by the defenders of the Gallican liberties.

These are fair specimens of the views taught on the subject of the Pope's temporal supremacy by the great body of Romish writers during the seventeenth and eighteenth centuries. They illustrate the general policy of the Church of Rome,—the important differences on questions both theoretical and practical that exist in her communion,—and the extreme difficulty found on some occasions in ascertaining what the doctrines of the Church of Rome are, and what it is that all good Catholics are bound to believe.

In modern times they have generally adopted another *variation* upon this subject, skilfully adapted to existing circumstances. It consists, in substance, of an attempt to withdraw wholly the subject of the Pope's temporal supremacy from the field of theological discussion, and to deal with it exclusively as an historical question. This is the great general object to which Gosselin's discussion of the subject is directed. He maintains that the



Pope's temporal supremacy, as claimed and exercised before the Reformation, was not based by its defenders upon the theological opinion of a divine right, but that it had a just and valid foundation in the received and acknowledged public law of that period,—and that its actual exercise was generally directed to good objects, and attended with beneficial results. If all these positions could be established, the objections which Protestants have been accustomed to adduce against the Church of Rome, on the ground of the Pope's claiming and exercising temporal supremacy during the middle ages, would be satisfactorily disposed of; but Gosselin has not succeeded in establishing them, and we are persuaded that this cannot be done. That many of the Popes in the middle ages, and even during the sixteenth century, claimed and attempted to exercise the power of deposing kings, is unquestionable. This is now very generally regarded as a serious blot upon the history of the Church of Rome; and the great question with Romanists is,—how they are to deal with it and dispose of it. Dr Doyle, in his examination before a committee of the House of Lords in 1825, made on oath the following statement upon this point:—“The church has uniformly, for nine centuries, by her Popes themselves, by her practice, by her doctrines, and by her academies, maintained that the Popes have no right whatever to interfere with the temporal sovereignties or rights of kings or princes.” It is almost incredible that such a statement could have been publicly made,—a statement which every man who has the slightest acquaintance with history or literature must know to be false. No other defender of the Church of Rome, so far as we know, has had recourse to so bold a line of defence. They have all acknowledged the matter of fact, that from the eleventh to the sixteenth century the Popes claimed and exercised the right to depose sovereigns. They have been much perplexed as to the way in which it was most safe and expedient to deal with this fact, but none except Dr Doyle has ventured to deny it.

Before the Reformation, they generally justified these proceedings by maintaining that the Pope had, *jure divino*, a direct supreme power in all temporal as well as in all spiritual matters. Since Bellarmine's time they have generally thought it more expedient to rest their vindication upon an indirect jurisdiction in temporal matters, *in ordine ad spiritualia*; while the defenders of the Gallican liberties, limiting the Pope's power to spiritual mat-



ters, have denied to him all power, direct or indirect, in temporal affairs, and have freely given up all Papal attempts at deposition to censure, as involving error in opinion and usurpation in practice. This, however, is rather an awkward and perilous position for a subject of the Pope to occupy; and as, of late, Ultramontane or anti-Gallican views in regard to the Pope's infallibility and his supremacy in all spiritual matters have been prevalent even in France, it has been thought expedient to attempt to explain the Papal depositions of sovereigns, without either, on the one hand, claiming for Popes any proper jurisdiction, direct or indirect, in temporal matters; or, on the other, charging them with error and usurpation. And hence the theory of Gosselin which we have briefly stated. In the peculiar circumstances of the case, it is not merely a presumption against the truth of this theory, but a positive proof of its falsehood, that it has been so recently propounded. A theory that was unknown for centuries after these proceedings had taken place, and had been subjected to controversial discussion, cannot be that by which they are to be explained and vindicated. Now Gosselin has not been able to produce any one author who had previously maintained this theory. He has produced from preceding authors testimonies in support of some of his subordinate positions; but from no one, not even from Fénelon, on whom mainly he relies, has he adduced any evidence that the theory as a whole, or in its essential features, had been previously maintained and applied to this subject.

The foundation of his theory is, that the Papal exercise of temporal jurisdiction generally, and especially in deposing sovereigns, was not based and defended upon the theological opinion of a divine right. It is quite necessary for his purpose to establish this position; and accordingly he goes over all the cases of Papal interference in political affairs, and especially in deposing sovereigns and absolving subjects, with the view of showing that these acts were not based by their authors and defenders upon any scriptural authority,—upon rights possessed by the Pope as head of the church. This attempt is not so audacious as Dr Doyle's denial of the facts, but still it is very bold, and altogether unsuccessful. The chief medium which he employs for making out this position, is a distinction—which Fénelon had elaborated in his *Dissertatio de Auctoritate summi Pontificis*,—between a power of *jurisdiction* properly so called, whether direct or indirect, and a

power of *direction*. This power of direction, as distinguished from a power of jurisdiction, means merely the right of determining as a doctor or casuist, cases of conscience,—a power rather of advice than of authority. It could not be disputed that the Pope, as head of the church, was the highest authority in deciding questions of this sort, and that he might give a decision upon the question whether, in a particular case, a nation was warranted in disregarding their oath of allegiance and in deposing their sovereign, without assuming to himself any proper jurisdiction in temporal matters. And, indeed, it is very plain that, as matter of historical fact, this was the form which the Pope's original interferences in temporal and national affairs assumed; and this fact strikingly illustrates the skill of Popery in investing even its most extravagant pretensions with a considerable plausibility, and the unscrupulous dexterity with which it has continued to extend and confirm its claims. When any difficulty or difference arose in carrying through political arrangements, connected either with the general duty of rulers and subjects, or with the import and bearing of the specific obligations of the parties to each other, the prevailing sentiments of the middle ages would attach great weight to the opinion of the Pope. This opinion was often asked, and it was always given with a skilful, and not very scrupulous, regard to Romish influence and ascendancy. And the Popes at length succeeded in transmuting this power of direction into a power of jurisdiction; so that, though recognised at first in these matters only as doctors and casuists, they came at length to be regarded as rulers and judges.

This is strikingly illustrated by what took place in regard to the transference of the crown of France from the Merovingian to the Carolingian dynasty—from Childeric to Pepin—in the eighth century. Gregory VII. referred to the conduct of his predecessor Zacharias in that matter as a precedent and warrant for his own act in deposing the Emperor Henry IV.; and it has been adduced with the same view by Bellarmine, and by the generality of the writers who have defended the Pope's temporal supremacy. But it has been proved conclusively by the defenders of the Gallican liberties, that Pope Zacharias did not depose, or pretend to depose, Childeric, and transfer the crown of France to Pepin; and that the substance of what took place upon that occasion was this,—that the States of France asked the opinion of the Pope upon this

question, whether, in the circumstances, *it was lawful for them* to take the title of king from Childeric, a weak and incompetent prince, and to confer it upon Pepin, who, as mayor of the palace, had already all the power of a sovereign. The Pope saw it to be his interest to answer this question in the affirmative; the change was made; and the good office thus rendered to Pepin was, no doubt, one of the procuring causes of the donation which he made to the Pope of the city and duchy of Rome,—a donation confirmed and extended by his son Charlemagne.

Gosselin has no difficulty in proving—as many of the defenders of the Gallican liberties had done before him—that the Papal interferences in the affairs of kings and nations previous to the time of Gregory VII. can be explained, and in some measure vindicated, by means of this *directing* power in deciding questions of conscience. They did not till Gregory's time pretend to depose sovereigns, or claim any right of authoritative interference in temporal matters; and, of course, they did not need to appeal to any warrant for what they did, except the spiritual power in matters of doctrine and conscience which was generally conceded to them. Gregory, however, introduced a new era. The defenders of the Gallican liberties have proved that Gregory was the first Pope who pretended to depose a sovereign, and to absolve his subjects from their oath of allegiance. And it is just as certain that he based and defended this act, not upon a mere power of direction, but upon a power of proper jurisdiction,—a power involved in, or derived from, his divine right to the power of the keys, the power of binding and loosing. This is true also of all the subsequent sentences of deposition pronounced by Popes, including those directed against Queen Elizabeth of England, and Henry IV. of France.

That these sentences of deposition were based upon an alleged divine right to exercise jurisdiction, direct or indirect, over kings and nations, is quite evident from the terms in which they are expressed,—the grounds and reasons assigned for them,—and the whole strain and substance of the controversial discussions to which they gave rise; and Gosselin's elaborate attempt to explain away, and to conceal, the evidence of this is only beating the air. It is impossible for any ingenuity to involve in obscurity or uncertainty the evidence of the position, that the Popes who deposed sovereigns based their right to do so upon their power as the successors of St

Peter,—upon the obligations incumbent upon them as the rulers of the church,—and upon alleged scriptural proofs of the right of the spiritual power to exercise jurisdiction or authoritative control over the temporal. It is upon this footing that the controversy *inter imperium et sacerdotium*, occasioned by the Papal sentences of deposition against sovereigns, has hitherto been conducted on both sides ; and it is now too late to discover that both parties in this controversy have all along mistaken the true *status questionis*. Gregory and his successors, in deposing sovereigns, were not responding to applications for a deliverance upon a case of conscience—they acted *proprio motu*—they did not speak as doctors, but as dictators—they did not restrict themselves to the spiritual sentence of excommunication, but they directly and formally deposed, as if kings, as such, and not merely as professing Christians, were their subjects, and crowns their property ;—and for all that they did in this way, they claimed the authority of God and the sanction of His word.

One of the considerations adduced by Gosselin in support of his position, that the Papal depositions of sovereigns were not based upon the theological opinion of a divine right to temporal supremacy, may be adverted to, as tending to throw some light upon the general principles involved in this subject.

It is the fact, of which he produces evidence, that even after the time of Gregory VII., while the deposition of sovereigns was occasionally practised and was strenuously defended, we still find, from time to time, assertions of the distinctness of the civil and ecclesiastical powers. This is an interesting testimony, so far as it goes, in favour of the primitive and scriptural doctrine ; but it is not sufficient for the purpose for which it is adduced. Neither Romanists nor Erastians deny, in a general sense, the distinctness of the civil and ecclesiastical powers ; it is their mutual independence or co-ordination that properly opposes and excludes both Popish and Erastian views of the relation that ought to subsist between them. It is true, indeed, that their distinctness lays a good foundation for deducing, in the way of inference, their mutual independence ; but it is likewise true that some men do not admit this inferential connection, and hold the one without considering themselves bound to receive the other.\* It is certain that

\* This statement may be illustrated by a reference to the discussion between Barclay and Bellarmine as to the state of the question. Barclay

even before the time of Gregory VII., Romish writers had begun to talk in some vague sense of the *superiority* of the ecclesiastical over the civil, just as Erastians in more modern times have talked with equal vagueness of the superiority of the civil over the ecclesiastical; and it is plain that, historically, it was this vague idea of the superiority of the ecclesiastical over the civil that produced and indicated the transition from the primitive and catholic doctrine to the Romish,—from a claim on the part of the church to respect and deference, to a claim to authoritative control,—from a power of direction to a power of jurisdiction. It was, of course, admitted that the objects or ends of the church, or the ecclesiastical power, are higher and more exalted than those of the State, or the civil power. This does not in the least disprove their mutual independence, or invest the church with any jurisdiction or authoritative control over the State; but the Church of Rome drew from it this inference, or rather succeeded to a large extent in getting the one position received as if it were identical with the other. And upon this alleged *jure divino* superiority of the ecclesiastical over the civil, have the Popes been accustomed to defend their *jure divino* right to a supremacy, at least indirect, in temporal

laid down the following as the fundamental position, on the ground of which he meant to assail the temporal supremacy of the Pope:—“Principio sciendum est duas illas potestates, quibus Mundus in officio continetur, Ecclesiasticam scilicet, et Politicam, ita jure divino distinctas et separatas esse, ut (quamvis ambæ a Deo sint) utraque suis terminis conclusa, in alterius fines invadere suo jure nequeat, neutrique in alteram imperium sit.” Bellarmine admitted the truth of the first part of this position, and objected only to the last clause of it about the *imperium*. He says, after quoting the above statement from Barclay: “Hoc principium, sive fundamentum in ultimâ particulâ falsum omnino esse contendimus, in illis videlicet ultimis verbis, *neutrique in alteram imperium sit*. Siquidem affirmamus, Ecclesiasticam potestatem, distinctam quidem esse a Politicâ, sed eâ non modo nobiliorem, verum etiam ita superiorem esse, ut eam dirigere, et corrigere, et in certis casibus, in ordine

videlicet ad finem spirituales, et vitam æternam, eidem imperare possit.”—(Barclay, ‘De potestate Papæ: an et quatenus in Reges et Principes jus et imperium habeat,’ 1609, c. ii. pp. 9, 10. Bellarmine, ‘De potestate Summi Pontificis in rebus temporalibus,’ 1611, c. ii. p. 38.) This work of Bellarmine against William Barclay,—the same which was censured and prohibited by the Parliament of Paris,—was answered by John Barclay, the son of William, and the author of the *Argenis*, and also by the celebrated French Protestant divine, Du Moulin or Molinæus. We have not read John Barclay’s defence of his father, but Du Moulin’s work, which contains also animadversions on Bellarmine’s writings against King James, is a very valuable one. The title is, “Tractatus De monarchia temporali pontificis Romani, quo Imperatoris, Regum, et Principum jura adversus usurpationes Papæ defenduntur; et docetur quibus artibus Papa ab humili statu ad tantæ potentis culmen ascenderit.”

matters, and to a power of deposing sovereigns and absolving subjects from their oaths of allegiance.

Whatever difficulty, then, there may be in deciding the question, whether the Church of Rome, as such, has so sanctioned the doctrine of the Pope's temporal supremacy, and his right to depose sovereigns, as to make it incumbent in consistency on all good Catholics to receive it, there can be no doubt that Popes have proclaimed this doctrine as one that rested upon divine authority, and have done all they could in order to procure it a general reception in the church; and that most Romish writers, except those connected with the Gallican Church, have adopted and defended it. These facts are certain; and from any inferences adverse to Romish claims and pretensions, or condemnatory of the policy and objects which have been pursued by the Church of Rome, that are fairly deducible from them, it is impossible for Romanists to escape.

Gosselin, then, has not succeeded, and no man can succeed, in proving that the temporal supremacy which the Popes, both before and after the Reformation, claimed and exercised in deposing sovereigns and absolving subjects from their oaths of allegiance, was not based by them and by their defenders upon a divine right,—was not regarded and represented as resting upon the authority of God. The great object of his work is to vindicate the Popes of the middle ages and their defenders from the charges which have been generally adduced against them. He feels and admits, as most men do now-a-days, that it would be discreditable to these old Popes to have professed to base their proceedings upon any divine authority, it being but too evident that no divine warrant for them can be produced. He therefore labours to show that they did not profess to base their actings in this department upon divine authority, but upon other grounds, which were valid and satisfactory; but if he fails, as he certainly does, in proving the first or negative part of this position,—that is, if the Popes must bear the discredit—for so it is now generally reckoned—of pleading a divine right to dispose of temporal matters and to depose sovereigns, no great importance comparatively attaches to anything he may assert or establish with respect to any other grounds on which their conduct might be explained or vindicated. It will be proper, however, to advert to the ground on which he does place the exercise of temporal supremacy, and the deposition of sovereigns, by the Popes of the middle ages.



He maintains that the interferences of the Popes in temporal affairs, and their depositions of sovereigns, had a valid and satisfactory foundation in the received public law (*droit public*) of the period. By this he means, that there were general principles and rules with respect to the regulation of political and national affairs, at that time generally received and acknowledged both by sovereigns and people, and in some cases sanctioned by the constitution and laws of particular countries, which recognised or assumed the right of the Pope to exercise a temporal supremacy, to depose sovereigns, and to absolve subjects from their oath of allegiance. If this position could be established, and if it could be also proved that they had not attempted to base their interferences in the affairs of kingdoms upon a divine right, this would avail to a large extent for vindicating the Popes of the middle ages from the imputations which have been cast upon them; and then, too, there would be fair ground for alleging that, as they had never claimed a *jus divinum* for their temporal supremacy, and as the public law and generally recognised principles, which once afforded a good and valid warrant for the exercise of this supremacy, did not now exist, there was no occasion for dwelling much on these old transactions, or apprehending any similar attempts on the part of the Church of Rome in time to come. This, indeed, is the great general conclusion to the establishment of which Gosselin's work is directed. We have already pointed out one radical defect in his argument,—a defect which nothing can supply,—namely, his failure to prove that the Papal depositions of sovereigns were not based upon the theological opinion of a divine right; and we would now briefly consider his attempt to show that it had a different and perfectly solid basis to rest upon,—namely, the public law, or the generally acknowledged constitutional and political principles of the period. His fundamental position is this, that during the middle ages there prevailed, both among sovereigns and people, a conviction that the Popes were entitled in certain cases to depose princes, and to absolve subjects from their oaths of allegiance,—that this conviction constituted a portion of what might be called the public constitutional law of Europe,—and that its existence afforded a sufficient and satisfactory ground for the whole of the temporal supremacy which the Popes then claimed and exercised. In order to make this position really available for the full vindication of the Popes of the middle ages against the charges which



have been generally adduced against them, it is necessary not only to prove that this conviction did in point of fact prevail, but that it arose and prevailed independently of the efforts and contrivance of the Popes and their adherents; and especially independently of any claims which they put forth upon religious grounds. For if it should appear that the Popes and their adherents were the authors of this conviction, in so far as it existed, and that they succeeded wholly or principally in producing it, by urging considerations which professed to rest upon divine authority, then the great charges which have usually been adduced against them with reference to this matter are established; in other words, it is proved that they selfishly and ambitiously aimed at temporal ascendancy, and that they unscrupulously employed their spiritual authority and claims for promoting their worldly aggrandizement.

It cannot be said that Gosselin has produced no evidence of the existence of this belief during the middle ages. On the contrary, there are many indications that a notion of this sort did prevail to a considerable extent. It would be easy enough to show that Gosselin strains in many instances the evidence which he adduces upon this point, and makes it carry more weight than it can bear. It would be no difficult matter to show that this belief in the Pope's deposing power was not so strong or so extensively prevalent as he represents it to have been. In almost every instance in which the Pope professed to depose a sovereign, there were many at the time who disregarded the Papal sentence as null and void. Those who professed to regard it as valid, and to act upon it as such, were commonly influenced quite as much by political considerations and their own selfish interests, as by a respect to the Pope's authority. In most instances, too, their sentences of deposition were met, not only by disregard and practical opposition, but by literary hostility on the part of the most eminent men of the age. We have a considerable number of writings, composed at different periods, from the pontificate of Gregory VII. downward, professedly defending the rights of sovereigns in opposition to the claims and pretensions of the Popes. These works have been collected by Goldastus in his "*Monarchia Sacri Romani Imperii*." They are interesting chiefly in a historical point of view, as proving that a literary controversy subsisted upon the subject, from the time when the Papal claims to a power of deposing were first advanced, and showing in what way that con-

troversy was then conducted. They can scarcely be regarded as throwing much real light upon the essential principles and the intrinsic merits of the contest between the empire and the priesthood. Some of these defenders of the rights of sovereigns, having their views perverted by the belief in the Pope's spiritual supremacy as head of the church, and by the confused intermixture of things civil and things ecclesiastical, which had prevailed from a very early period, made concessions which injured their cause, and afforded advantages to the defenders of the Popes. Others of them ran in the heat of controversy into the opposite extreme to that against which they were contending, and propounded views very similar to those which, in modern times, have been known under the name of Erastian.\* Still their works are interesting and important, as showing that the Papal claims to temporal supremacy were decidedly and intelligently opposed from the time when they were first advanced; and as proving, moreover, that they were both assailed and defended upon religious grounds—upon considerations which professed to rest upon divine authority.

Upon the grounds that have now been adverted to, Gosselin's assertion of the general prevalence, during the middle ages, of a conviction, on the part both of sovereigns and people, of the Pope's right to dispose, in certain cases, of crowns and kingdoms, must be very materially modified. The conviction was commonly professed only by those whose secular interests were promoted by the mode in which, upon any particular occasion, the right was exercised; and it was as generally opposed by those against whom

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\* Some of them, for instance, denied that it was lawful for the ecclesiastical authorities to excommunicate sovereign princes, even for offences for which other men ought to be excommunicated,—a foolish notion which has been defended in more modern times by some of the Episcopalian advocates of the ecclesiastical supremacy of the Crown in England. Marsilius of Padua, one of the most eminent among them, in his "*Defensor Pacis*," has propounded views which are, in substance, identical with the fundamental principle of modern Erastianism,—namely, that Christ, as King and Head of His church, has not appointed therein a government in the

hands of church officers distinct from the civil magistrate. There is a very interesting exposition and refutation of Marsilius's views upon this subject in Richer's treatise, "*De Potestate Ecclesiæ in rebus temporalibus*," lib. iii. c. 5. Richer, in common with the most eminent defenders of the Gallican liberties, held on this point the golden mean between the Popish and the Erastian extremes,—the doctrine that has been generally maintained by Presbyterians; and, what is very curious and interesting, he held also, on the subject of the appointment of ministers, the principle of non-intrusion in its obvious, and only honest, sense.

its exercise was directed. But the main question turns, not so much upon the extent to which this conviction prevailed, as upon its origin, its authors, its grounds. Now, there can be no reasonable doubt that this conviction, in so far as it existed, owed its origin to the ambitious schemes and the persevering activity of the Popes and their adherents,—that it was devised and promoted by them for the purpose of advancing their own selfish ends. It is easy enough to point out, as Gosselin does, circumstances in the condition of society, and in the character of the governments of the middle ages, which favoured the assumption of this supremacy on the part of the Popes,—which made their attempt to grasp universal dominion more natural, and perhaps more excusable, than it would otherwise have been,—and which tended greatly to promote their success; while they exhibit the plausible grounds which, at the different stages in the progress of their ascendancy, they were able to adduce in support of their claims. But all this does not prove that they did not aim sedulously and unceasingly at securing this temporal supremacy, this universal worldly dominion; or that, in aiming at this object, they were animated by elevated and generous motives, or guided by a regard to the rules of justice and integrity. The truth is, that the rise of their temporal supremacy followed in the wake of their spiritual supremacy over the church as the vicars of Christ; and that the history of both present very much the same general features. They both present the same progress from claims comparatively moderate in extent, and reasonable or at least plausible in their grounds, to claims extravagant and absurd,—the same steady and unshrinking prosecution of selfish interests, as distinguished from the proper objects of a church of Christ,—the same vigilant and skilful improvement of every event or combination of circumstances for promoting the end in view,—the same unscrupulous disregard of the ordinary rules of morality,—and the same triumphant and marvellous success.

Gosselin never suggests, or attempts to deal with, the position that the Popes laboured to produce, and succeeded in producing, the belief of their right to depose sovereigns; though it must be evident that this position, if true, affords a sufficient answer to his vindication of the Popes, based upon the mere fact of the existence of this belief. The position, indeed, is so obvious that it could not escape the notice of any one investigating this subject; and it

is so unquestionably true, that he did not think it expedient to grapple with it. He traces, indeed, elaborately a variety of opinions and practices, originating at an earlier period, which paved the way, both for the Popes assuming a power of deposing sovereigns, and for their success in producing a belief that they had a right to do so; but these opinions and practices were, to a large extent, unfounded and erroneous, and had owed their origin very much to the efforts of a worldly-minded clergy, and especially of the Popes and their adherents, aiming at the temporal aggrandizement of the church. It was indeed very natural, in the then condition of society, that the Popes, being independent temporal princes, and being generally acknowledged as the rulers of the church, should be consulted in disputes that arose about the interpretation of treaties, and the construction of oaths and obligations. It was very natural, too, from the position they occupied, that even independently of any questions of casuistry that might be started upon these points, they should be applied to as arbiters to settle differences between neighbouring princes, and between sovereigns and their subjects. All such applications they were most careful to encourage, and they never failed to improve them for the purpose of transmuting their position as mere doctors and arbiters into that of rulers and judges. The encouraging of applications and appeals to Rome by ecclesiastics in spiritual questions was one great means which they employed and improved for establishing their claim to spiritual supremacy; and in this way they had succeeded in getting themselves practically recognised as the ultimate judges in all spiritual questions in the Western Church, before they ventured to put forth any very explicit claim to universal spiritual supremacy, as belonging to them *jure divino*.

They followed the very same course in their attempts to establish their temporal supremacy over sovereigns and kingdoms, with nearly equally great, but much less permanent, success. The real object after which they aspired in this matter, was not merely to be recognised as entitled to interfere occasionally in the disposal of crowns and kingdoms when the interests of religion or the church seemed to demand this, but to be formally acknowledged as the ordinary lords paramount, or feudal superiors, of the different kingdoms of Europe. They succeeded in getting themselves acknowledged in that character in Naples and Sicily, and

even in England during the reign of King John ; and they professed thereafter, upon this ground, to treat these kingdoms as fiefs held of the Holy See, and their sovereigns as vassals. Their conduct in these cases clearly indicates the objects they aimed at, and the motives by which they were animated. Gosselin dwells upon these cases as evidences of the general acknowledgment of the Pope's temporal supremacy during the middle ages. They are not altogether irrelevant for this object ; but they bring out also very clearly a consideration which wholly frustrates Gosselin's purpose in adducing them,—namely, that the Popes themselves were most active in urging and extending their own claims to temporal supremacy, and unscrupulously improved every opening for effecting this, and for establishing their power on the firmest secular ground.

One thing on which Gosselin dwells largely, as showing that the temporal power of the church, and ultimately the temporal supremacy of the Pope, was generally recognised in the middle ages, and was sanctioned by the constitution and laws of states, is the fact, that in most countries civil pains and penalties were by law attached to ecclesiastical censures,—that excommunication from the church by the ecclesiastical authorities was held to deprive men of all their civil rights,—and that this principle was at length extended even to sovereigns, who, when excommunicated by the Pope, were regarded as thereby validly deposed from their office. It is true that the laws of many countries deprived excommunicated persons of all their civil rights ; but it is only very partially true, as we have explained, that this principle ever came to be generally applied to sovereign princes. But even if it had, and in so far as it was thus provided by law, this is just an illustration of the erroneous and injurious intermixture of things civil and sacred, which the clergy introduced and favoured for their own selfish and ambitious purposes, and which the Popes were careful to improve and extend for establishing their own temporal supremacy,—showing ever a determination to engross in their own persons all the power, temporal and spiritual, which the clergy had at any time, or by any means, succeeded in acquiring.

Gosselin is farther at pains to bring out all the evidence he can collect from the middle ages, of its being either an express or virtual condition of the tenure of the crown in many kingdoms,

that the sovereign should not profess or favour heresy, but should be an obedient son of the church ; inferring from this, that the Pope's right, in virtue of his spiritual supremacy, to determine what was heresy, and to cast out from the communion of the church, became legally and constitutionally a virtual power of deposing sovereigns in certain cases. We do not dispute the abstract competency of attaching such a condition to the tenure of a crown ; and there can be no reasonable doubt that when such a condition has been constitutionally imposed and accepted, the nation is entitled to enforce it even by deposing its sovereign, if necessary. And if the nation happen to believe that the Pope is the supreme and ultimate judge to all men in all questions of doctrine and discipline, it will of course, in point of fact, regard the Pope's decision as affording conclusive proof, that the emergency has arisen in which, in virtue of the constitutional compact, it is warranted in withdrawing its allegiance. But there is nothing in all this sufficient to prove either that the Pope had a right to depose sovereigns, or that this right was generally conceded in the middle ages. If it could be proved, indeed, that a nation was *bound*, upon scriptural principles, and as a Christian duty, to attach this condition to the tenure of the crown, and to enforce the condition in every instance in which it was violated by the sovereign, this might afford a plausible argument in support of the Pope having, as the acknowledged head of the church, at least an indirect temporal supremacy or power of deposing kings. And this accordingly, as we have seen, is one of the arguments which Bellarmine employs in defence of his doctrine upon this subject. The argument, however, only appears to tell in favour of his doctrine, and does not do so in reality. For it is in the nation, and not in the Pope, that the power of deposition rests ; and there is not in the case any concession to him of jurisdiction, direct or indirect, in temporal matters, though he has, *per accidens*, a certain capacity of exercising some influence indirectly upon the practical result.

It is a provision of the British constitution, that the sovereign must be in communion with the Church of England ; and even though it had been further provided, that a decision to that effect by the Archbishop of Canterbury was the only and the sufficient proof that this condition was violated, it would be quite unwarrantable to say that the Archbishop had a right to depose the



sovereign.\* But, moreover, the principle, viewed as an argument in support of the doctrine that the Pope has the power, at least indirectly, of deposing sovereigns, is wholly invalidated by the consideration, that a nation is under no obligation, as a matter of Christian duty, to attach such a condition to the tenure of the crown, but that, on the contrary, the dictate both of Scripture and reason upon this point is, that,—to adopt the language of the Westminster Confession, embodying the belief of all Scottish Presbyterians,—“infidelity or difference in religion doth not make void the magistrate’s just and legal authority, nor free the people from their due obedience to him.” Bellarmine employs this consideration about heresy and excommunication as a proof that the Pope has, *jure divino*, at least an indirect temporal jurisdiction which may authorize him to depose sovereigns. Gosselin, however, enters into no abstract discussion on this point; but, in accordance with his general theory, merely adduces the fact, that such a condition was formally or virtually attached to the tenure of the crown, as a proof of the general prevalence of the belief that the Pope has the power of deposing. But the observations we have already made are sufficient to show the unsoundness of this as well as the other application of it; while here again we have to notice, that the advocacy of the idea that it was necessary to attach such a condition to the tenure of the crown, was just one of those skilful and plausible contrivances by which the Popes succeeded in practically establishing their temporal supremacy.

\* The fallacy of Bellarmine’s argument upon this point is well exposed in the following passage of Widdrington:—“Respondemus igitur Cardinalem Bellarminum in eo potissimum elaborare ut probet, principem infidelem vel hæreticum, si alios pertrahat ad hæresim vel infidelitatem, posse a populo sibi subjecto principatu privari; præsens autem controversia, quæque in hac quæstione a Bellarmino instituitur, non est, An, et ob quas causas, possint reges a republica temporali deponi? sed solum, An summus pontifex habeat auctoritatem jure divino privandi principes suis dominiis? Nam sive respublica temporalis possit suum principem ob aliquam causam aut crimen deponere, sive non possit (quæ quæstio potius ad philosophum

morem quam ad theologum spectat, et aliquod circa eam asseverare facilem præbere potest tumultibus, rebellionibus et regicidiis occasionem), attamen hinc nullum efficax peti potest argumentum, ad probandum, summum pontificem ullam prorsus jure divino habere potestatem, etiam in ordine ad bonum spirituale, principes temporales e suis dominiis exterminandi. Nam dato, sed non concesso, illicitum esse Christianis tolerare regem hæreticum vel infidelem si ille conetur pertrahere subditos ad suam hæresim vel infidelitatem, quomodo tamen hinc recte deduci potest, summum pontificem habere potestatem principes deponendi?”—(Responsio Apologetica, pp. 44–5.)



Gosselin, then, we think, has failed in vindicating the Popes of the middle ages from the imputations which have been commonly cast upon them. He has not succeeded in proving, either that they did not base the temporal supremacy which they claimed and exercised, upon the theological opinion of a divine right, or that there was any other good and valid ground for it, which was independent in its origin of their own efforts and contrivances in establishing this supremacy, and in persuading men that it belonged to them, and belonged to them by divine authority. They must therefore bear the imputation of having taught as true, with all the authority attaching to the Papal chair, a theological doctrine which is now generally admitted by Romanists to be false ; and of having laboured unceasingly and unscrupulously to establish for themselves a temporal supremacy, by a dexterous use of their spiritual authority, and a skilful improvement of every favourable incident.

These are imputations which have been established against the Popes of the middle ages, and not only against them, but against the Popes of more modern times. Even in the present century, Popes have taken steps, and employed language, which plainly implied an assumption of these old claims. Pius VII. did so in his dealings with Napoleon, and in his interferences with the proceedings of the Diet of Ratisbon in 1803.\* Pope Gregory XVI. practically asserted the same claim in his interference with the proceedings of the Government of Spain, in regard to ecclesiastical property. Notwithstanding all this, and notwithstanding the reasonable suspicion it inspires, that the Popes, not one of whom has ever disclaimed his right to temporal power, might renew this claim if circumstances should ever occur to favour its application, it is certain that, as we have said, almost all Romanists now admit, more or less explicitly, the falsehood of the doctrine that the Pope has, *jure divino*, either a direct or an indirect temporal supremacy. It is true, indeed, that the celebrated De la Mennais, before he renounced Popery and became an infidel, had openly defended even the highest view—that which was rejected by Bellarmine ;

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\* The evidence of these statements is brought out in a very interesting work, published by authority of the French Government, entitled, "Essai Historique sur la puissance temporelle

des Papes." Daunou, the author of this work, had access to the archives of the Vatican, which were at that time at Paris.

that De Maistre, whose ingenious and elegant works have done a good deal to conciliate favour towards the Papacy, endeavoured to combine Fénélon's view of a power of direction with the old doctrine of a power of proper jurisdiction; and that Gioberti, notwithstanding his liberal views on some points, still continues to cleave to it. Still it is now generally abandoned, either tacitly or expressly.

Gosselin, though he disclaims pronouncing any opinion upon the truth or falsehood of the theological doctrine of a divine right, makes it manifest, by the whole substance and spirit of his argument, that he does not regard this as affording any good foundation for the claim. Frayssinous, Bishop of Hermopolis, who was Minister of Instruction under Charles X., and the most influential of the French prelates of that period, declared, in his work entitled "*Les Vrais Principes de l'Eglise Gallicane*," published in 1826, that the doctrine of the Pope's temporal supremacy was now superannuated even beyond the Alps;\* and, in proof of this, he says that it is no longer taught in the theological schools at Rome. This statement may be regarded as confirmed by the fact, that in the most recent and most generally approved Romish system of theology—the "*Prælectiones Theologicæ*" of Perrone, the present Professor of Theology in the Jesuit College at Rome—there is no mention of the temporal authority of the Pope, though, of course, it treats very fully of his authority as the head of the church. Frayssinous further asserts that, in the negotiations between Napoleon and Pius VII., in which the Emperor wished to oblige the Pope to declare that he would do nothing against the four articles of the Gallican liberties, as set forth in the famous declaration of 1682, the Pope, though refusing to comply with this demand, hinted that he cared much less about the first of these articles, which denied to him all temporal jurisdiction, than about the other three, which limited his spiritual supremacy.

Gosselin makes a similar statement in regard to the views and feelings of some of the recent Popes on this subject. He says:—"Many official pieces, of undeniable authenticity, show clearly how far the Holy See is from supporting the theological opinion of which we are speaking. Nay, more, it openly professes in them principles upon the distinction of the two powers, and the independence

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\* P. 72.

of sovereigns in temporal matters, which it is very difficult to reconcile with the theological opinion of a power either direct or indirect. We may refer, in particular, in support of this position, to the Briefs of Pius VI. relative to the French Revolution ; the Letter of Cardinal Antonelli, prefect of the Propaganda, to the Archbishops of Ireland, dated 23d June 1791 ; the Encyclical Letter of Gregory XVI. to all patriarchs, primates, archbishops, and bishops, dated 15th August 1832 ; the Exposition of Law and Fact, in reply to the Declaration of the Prussian Government, 31st December 1838 ; and, lastly, the Allocution of Gregory XVI., pronounced in secret Consistory, 8th July 1839. It is enough, it seems to me, to read attentively these different pieces in order to be convinced that the Holy See, far from favouring now-a-days the theological opinion of power, whether direct or indirect, gladly embraces any opportunity of showing how little importance it attaches to this opinion, and of professing openly principles which contradict it, or which at least cannot be easily reconciled with it." \*

There is not much in this statement, even though the view given of the strain of these documents were correct. There is nothing in them, even by Gosselin's showing, that approximates to a renunciation of the old theological opinion ; and we have already had occasion to suggest considerations that go far to diminish the appearance of incompatibility between the principles which these modern Pontiffs are alleged to have sanctioned, and the claims which their predecessors advanced. But, moreover, we strongly suspect that Gosselin has laid upon these documents a weight which they are unable to bear. We do not remember to have seen any of them except the Encyclical Letter of Gregory XVI., in 1832, which so much galled the professors of liberalism among British Romanists by its furious denunciation of the liberty of the press and liberty of conscience. That document certainly does not sanction Gosselin's statement, and we have little doubt that this is true also of the others to which he refers. The whole history of Popery makes it manifest that no reliance is to be placed upon what Popes and their adherents may occasionally find it convenient to insinuate.

The views propounded by Gosselin in regard to the temporal

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\* P. 748.

supremacy claimed and exercised by the Popes of former times, are those that are now generally adopted, more or less explicitly, by Romanists both on the Continent and in this country. Dr Wiseman attempts to dispose of this topic in the following cool and easy way :—"Nor has this spiritual supremacy any relation to the wider sway once held by the Pontiffs over the destinies of Europe. That the headship of the Church won naturally the highest weight and authority in a social and political state, grounded on Catholic principles, we cannot wonder. That power arose and disappeared with the institutions which produced or supported it, and forms no part of the doctrine held by the Church regarding the Papal supremacy." \*

Dr Wiseman here quietly assumes that the notion of the Pope's temporal supremacy never took the form of a theological doctrine, inculcated by the highest ecclesiastical authorities, but that it merely described a practice originating in, and founded on, certain temporary civil institutions, which have now disappeared, with all that resulted from them, and are therefore scarcely worthy of any serious attention. But this view of the matter cannot be embraced by any who are acquainted with it. The temporal supremacy has been maintained as a theological doctrine, resting upon divine authority, by many Popes and by many of the most eminent Romish writers. Dr Wiseman and modern Romanists would fain throw this fact into the background ; but it must not be forgotten, for it casts important light upon the policy which the Church of Rome has ever pursued, and upon the validity of the claims which she has been accustomed to advance. It is a fact which Romish controversialists in the present day find it very difficult to deal with, but which they should be compelled to face. There is, indeed, some difficulty in determining whether or not the doctrine of the Pope's temporal supremacy has been sanctioned by the church, so as to be binding upon all good Catholics. But the fact that this question, as to whether or not the opinion forms a part of the doctrine of the church, has given rise to much controversial discussion among Romanists, is of itself very perplexing to them. The difficulty of dealing with this fact, and the still more obvious difficulty of dealing with the fact, that many Popes have proclaimed and enforced as a theological doctrine, resting upon

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\* Vol. i. Lec. viii. pp. 264, 265.

divine authority, what scarcely any Romanist now ventures to defend, explain why Romish controversialists now generally try to slip past this subject in the way adopted by Dr Wiseman. When obliged to grapple with the temporal supremacy which the Popes of former times claimed and exercised, they can do little more than evade the real merits of the question, and attempt to involve it in confusion and obscurity ; and the true history of this subject, correctly stated and applied, will always continue to afford interesting and valuable materials for exposing some of the claims and pretensions which the Church of Rome most constantly urges, and keeping alive a reasonable apprehension of her unwearied activity, her singular dexterity, and her hardened wickedness, in prosecuting her own selfish interests, and in seeking to subject everything to her sway.

Both Gosselin\* and Dr Wiseman† dwell at some length, and with much complacency, on two works bearing on this subject, which have been published in the present day, by German writers,—namely, Voigt's History of Gregory VII., and Hurter's History of Innocent III. Voigt and Hurter were both Protestants when they published these works,—that is, they were not Romanists, for their Protestantism seems to have been merely nominal. They give a much more favourable view of the character, policy, and conduct of Gregory and Innocent than Protestant writers have generally done ; and on this account their works are highly praised by Gosselin and Wiseman, and some of their statements are quoted as conclusive testimonies on behalf of these much injured and calumniated Pontiffs. Voigt and Hurter have not discovered and brought to light any new materials bearing upon the character, motives, and conduct of Gregory and Innocent, and the mere opinion which they have formed and expressed upon these points is not of much importance. The leading features in the character, and the principal events in the history, of these two Pontiffs, are well known and easily appreciated. They were both very remarkable men, of powerful minds, and of great strength of will ; and they accomplished some important results. The works of Voigt and Hurter are interesting, as bringing before us a much fuller and more complete view of these Pontiffs than can be derived from ordinary church histories, whether written by Protestants or

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\* Pp. 346–350.

† Lectures, vol. i. pp. 298, 294.

Romanists ; but they contain nothing fitted to change or modify the opinions of those who were competently acquainted with the subjects of which they treat. Voigt and Hurter are hero-worshippers, who,—having apparently no definite standard either of doctrine or duty,—have become enamoured of the elevation and the audacity which distinguished the conceptions and the schemes of Gregory and Innocent ; and seem, in consequence, resolved to put the best construction upon all they said and did, and to gloss over those of their opinions and practices which have brought upon them the decided condemnation of most Protestants, and of not a few Romanists. They do not judge of their heroes by the standard that ought to be applied to men who professed to be ministers of Christ, and to be following out the ends of His mission ; but only by that which is actually exhibited by the common herd of worldly politicians. The latter certainly was the standard which Gregory and Innocent followed, both in the kind of objects they aimed at, and in the means they employed to accomplish them. But it is a very unnecessary and unwarrantable complaisance to judge of them only by this standard, and to abstain from applying to them any higher one.

It is certain that Gregory invented the doctrine that the Pope has a right to depose sovereigns and to absolve subjects from their oaths of allegiance ; that he claimed this power as belonging to him *jure divino*, and exercised it with singular barbarity and insolence in the case of Henry IV., Emperor of Germany ; while, with all his boldness and apparent sincerity, he did not venture to deal in the same way with our William the Conqueror, who had given him about equal provocation. Gregory no doubt called this *maintaining ecclesiastical liberty*, as did Benedict XIII., when, in last century, he canonized him ; and Voigt is complaisant enough to adopt this Popish nomenclature, telling us that Gregory's great and only idea was the *independence of the church*, but most men will think it more correctly described as *establishing ecclesiastical tyranny*. It is certain that Gregory compelled many thousands of clergymen to part with their wives, in spite of their strenuous opposition and solemn remonstrances, and that he succeeded in permanently establishing the celibacy of the clergy as the law and practice of the church. The man who could devise and execute such schemes had undoubtedly some of the qualities of a hero,—qualities well fitted to excite the admiration of men who look

## CHAPTER V.

### THE LIBERTIES OF THE GALLICAN CHURCH.\*

THE author of this "Manuel" was the *Rapporteur*, and the principal author, of the Charter of 1830, which provided for the constitutional government of France under the monarchy of the House of Orleans, and he is now the President of the Assembly which represents and rules the French Republic. During the intervening period, he occupied important public situations, distinguished himself at the bar and in the Chamber of Deputies, and acquired celebrity by his writings. He took a very active and prominent part in opposing the Jesuits, and in resisting the attempts of the clergy to extend their control over the universities and public schools. The controversy between the clergy and the universities led to a revival of the discussions about the Liberties of the Gallican Church. The Jesuit, or Ultramontane party, who were opposed to these Liberties, were most zealous in maintaining the jurisdiction of the clergy over universities and seminaries. This led their opponents, as matter of policy, to undertake the defence of the Liberties, and all the more because they could appeal to laws of the realm which prescribed the inculcation of the principles of the Liberties in schools and colleges, and had thus a strong argument against the clergy's claim to control education, founded on their unwillingness to enforce this legal requirement.

The first edition of this work of M. Dupin was published in 1824; and when the third edition came out in 1844, it was de-

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\* NORTH BRITISH REVIEW, No xxvi., August 1850. Art. v.—*Manuel du Droit Public Ecclésiastique Français, contenant les Libertés de l'Eglise Gallicane, la Déclaration du Clergé de 1682, le Concordat et sa Loi Organique, avec une Exposition des*

*Principes sur les Appels comme d'Abus, les Congrégations et l'Enseignement Public.* Par M. DUPIN, Procureur-Général près la Cour de Cassation. Cinquième Edition. Paris, 1845.



nounced as containing erroneous and dangerous views in a *mandement* published by Cardinal Bonald, Archbishop of Lyons, who is the head of the Jesuit or Ultramontane party in the Church of France. This 'mandement' of the Cardinal was brought under the cognizance of the Council of State in March 1845, and, by a decree of that body, it was condemned and suppressed "as infringing upon the liberties, privileges, and customs of the Gallican Church, which are consecrated by the acts of the public authorities." Cardinal Bonald's denunciation of Dupin's Manual only increased its popularity, and led to the publication of two enlarged editions of it, one in the end of 1844, and the other in April 1845.

The work is a very valuable one, and contains a great deal of interesting matter. It exhibits the leading documents connected with the legal or juridical history of the Gallican Liberties,—a defence of the principles on which they are based,—and a proof that they form, and have always formed, a part of the constitutional law of France, with illustrations of the modes in which they have been practically applied and enforced down to the present day.

Dupin discusses these subjects as a lawyer and a jurist, and not as a theologian. He professes his belief in the truth of Christianity and of Roman Catholicism, and there is nothing in his work at all inconsistent with this profession. In the conclusion of his Introduction,\* he says—"This is the work of a Catholic, but of a Gallican Catholic—of a man who loves religion, who honours the clergy, who reveres in the Sovereign Pontiff the head of the universal church and the common father of the faithful; but it is the work also of a jurist, who wishes that the laws should be guarded and observed by all ranks of citizens,—the work of a public man, who holds, as a maxim, that the church is in the state, and not the state in the church." These are the views which have been generally entertained and professed by the defenders of the Gallican Liberties, both theologians and lawyers.

From an early period there are indications that the Church of France was less disposed than some other churches to submit to all the claims and pretensions of the Papal See. Their peculiar

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\* P. xxxv.

views gradually assumed the form of a regular system of theological opinions, and of civil laws and legal arrangements,—a system which is commonly called the Gallican Liberties, which has been defended by many men of the highest learning and ability, and has given rise to a great deal of very interesting discussion. The chief eras in the history of this subject are, the quarrel between King Philip the Fair and Pope Boniface VIII. at the commencement of the fourteenth century; the pragmatic sanction of 1438, based upon the decrees of the Councils of Constance and Basle; the dispute between Louis XII. and Julius II. in the beginning of the sixteenth century, followed by the Concordat of 1516 between Francis I. and Leo X.; the excommunication, deposition, and absolution of Henry IV.; the declaration of the Gallican clergy, under Bossuet's influence, in 1682; the controversy about the acceptance of the Bull *Unigenitus* in the early part of the eighteenth century; the Concordat of 1801 between Buonaparte, then first Consul, and Pope Pius VII., and the organic law that was founded upon it. On all these occasions there was much discussion about the respective functions and provinces of the civil and the ecclesiastical authorities, and about the nature and extent of the Pope's jurisdiction as head of the church.

The Sorbonne—that is, the theological faculty of the University of Paris—and the Parliament of Paris generally showed themselves to be strenuous defenders of their country's liberties against the encroachments of the Papal See, and were supported in the course they pursued by many of the most eminent men whom the Church of France has ever produced. Richer, whose labours and sufferings in defence of the Gallican Liberties we shall have occasion to notice, collected the ancient theological testimonies of the school of Paris upon this subject, in a work entitled "*Vindiciæ Doctrinæ Majorum Scholæ Parisiensis, seu constans et perpetua Scholæ Parisiensis doctrina de auctoritate et infallibilitate Ecclesiæ in rebus Fidei et Morum. Contra defensores Monarchiæ universalis et absolutæ Curiae Romanæ.*" This work was published at Cologne in 1683, long after his death. It is divided into four parts, the first containing a series of decrees by the Sorbonne condemning Ultramontane views; the second, treatises by Ægidius Romanus, and John of Paris, who defended Philip the Fair against Boniface, about the same time that Marsilius of Padua, and William

Occam, the celebrated English schoolman, were rendering a similar service to the Emperor Louis of Bavaria; the third, treatises by Cardinal d'Ailly, or Alliaco, Archbishop of Cambray, and John Gerson, Chancellor of the University of Paris, in defence of the doctrine of the Councils of Constance and Basle, as to the superiority of a general council over a Pope; and the fourth, containing treatises by James Almain and John Major, in defence of Louis XII. against Julius II. and his advocate Cardinal Cajetan. Most of these productions of the school of Paris are likewise collected in Goldastus's "*Monarchia Sacri Romani Imperii*," and are far from being destitute of interest, though they are valuable more from their opposition to the Pope's spiritual supremacy, as absolute monarch of the church, than from any great light they throw upon the principles that ought to regulate the relation of the civil and the ecclesiastical powers.

The interferences of the Parliament of Paris, in support of the Gallican Liberties, are to be found chiefly at a later period than that embraced in Richer's *Vindiciæ*, and indeed principally since the Reformation, when, as has been alleged by De Maistre,\* that venerable body was much under the influence of Calvinists and Jansenists. Most of the *arrêts* of the Parliament, issued chiefly for the purpose of condemning and suppressing books in which Ultramontane principles were asserted, are given in the appendix to a work entitled "*Traité de l'Autorité des Rois, touchant l'Administration de l'Eglise*," by Vayer de Boutigny, Master of Requests to Louis XIV., by whose orders the work was written.

But though the Sorbonne and the Parliament were, upon the whole, consistent and decided in maintaining the Gallican Liberties, in opposition to the Papal encroachments, and though many of the most eminent of the clergy supported them, it must be admitted that the French Church, as a body, has not shown much steadiness, integrity, or courage in this matter. The Gallican Liberties have always been very obnoxious to the Court of Rome, and all the influence and skill of the Popes have been put forth on a variety of occasions to prevent the inculcation and the practical enforcement of them. The conduct of the Kings of France, in regard to the Gallican Liberties, has usually been more or less

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\* "*De l'Eglise Gallicane*," liv. i. c. ii. iii.

influenced by their political relations to the Papacy at the time ; and this, as well as the direct influence of the Pope, has often told largely upon the views and conduct of the clergy. It is foolish to place any reliance upon the consistency and integrity of any body of Romanists in maintaining the cause of truth and righteousness ; and there are melancholy instances of the perverting and demoralizing influence of Popery in the conduct even of those who have gained some crédit for their defence of the liberties of the Gallican Church.

The earliest formal exhibition, in a legal shape, of the Liberties of the Gallican Church, was made by Pithou, a celebrated jurist, in 1594, and was dedicated to Henry IV. He laid down as the fundamental principles on which they were based, the two great doctrines, *first*, that the Pope has no jurisdiction in temporal matters ; and, *secondly*, that even in spiritual matters he is subject to the jurisdiction of a general council, and is bound to regulate his conduct by the ancient canons of the church. The practical applications of these principles he exhibited in eighty-three articles, which had all a foundation, more or less explicit, in the ancient common law of France. These articles of Pithou were generally regarded at the time, and have been regarded ever since, as an authoritative representation of the Gallican Liberties, and as such they are given at length by Dupin, in the first part of his Manual. But the Jesuits, having assassinated Henry IV. in 1610, improved with great assiduity and address the minority of Louis XIII., for promoting Ultramontane views. When, at a parliament held in 1615, the Third Estate proposed that a formal condemnation should be issued of the doctrine, that the Pope has the power of deposing kings, Cardinal Perron succeeded in persuading the other two orders, the clergy and the nobility, to refuse to concur in it, though nothing could be plainer than that, if the Gallican Liberties meant anything, they implied the falsehood of this doctrine. Perron was a very remarkable man, of great learning and ability, but utterly destitute of moral and religious principle. He was the son of a Protestant pastor, and was very carefully educated by his father, with a view to the ministry ; but not finding in the Protestant Church a sufficient field for his ambition, he joined the Church of Rome, and became in due time Archbishop of Sens, and a " Cardinal of the Holy Roman Church." His speech to the Estates on the occasion above

referred to was published, and was fully and formally answered in a very respectable work, published in the name of King James VI., and entitled, "A Remonstrance for the Rights of Kings, and the Independence of their Crowns." The defenders of the Gallican Liberties, who undertake to show that their views have been always maintained by the civil and ecclesiastical authorities in France, are a good deal perplexed by this speech of Cardinal Perron, and the effect it produced upon the Estates. They usually try to show, that what the Cardinal chiefly laboured to establish was, not that the doctrine of the Pope's deposing power was true, but merely that it was unwarrantable, and especially unwarrantable for the civil authority, to condemn it as heretical. But this is a very inadequate account of the substance of what the speech contains; for it argues elaborately in favour of the deposing power, on the ground that it had been asserted and acted upon by many Popes, and infers that if, notwithstanding all this, the doctrine was false, the consequences must be very serious to the claims of the Church of Rome.

Perron also was the principal persecutor of Richer, in the earlier part of his noble struggle in defence of the Gallican Liberties. Richer may be said to have died as a martyr to the cause of opposition to Papal usurpation. We have a life of this distinguished man by Adrian Baillet, well known in the literary world by his "*Jugemens des Savans*." It is a very interesting piece of biography, presenting to us a noble character engaged in a long and arduous struggle in defence of important truths, and illustrating at the same time the unprincipled policy which has always characterized the Church of Rome and its adherents. Richer was born in 1560, and early acquired a very high reputation by his learning and ability, and by the general worth and excellence of his character. He was the principal restorer of order and discipline in the University of Paris, after the confusion occasioned by the wars of the League. Having shown great wisdom and firmness in this work, he was, in 1608, elected Syndic of the Faculty of the Sorbonne; and in this office he proved himself a strenuous opponent of the Jesuits, and an uncompromising defender of the Gallican Liberties. In 1611 he published a small treatise, "*De Ecclesiastica et Politica Potestate*," which gave great offence to the Court of Rome and the Ultramontane party in the Church of France, and subjected him to unrelenting persecution

for nearly twenty years. The Papal nuncios exerted all their influence to get the book suppressed, and the author punished. And, first, Cardinal Perron, and, after his death in 1618, Cardinal Richlieu, degraded themselves by becoming the tools of the Papal malignity. The Parliament, which retained some portion of the ancient spirit, protected him from open violence ; but attempts were made by Papal emissaries to assassinate him, and every species of fraud and intimidation was employed to induce him to retract the principles he had avowed. The history of this matter, as given by Baillet, exhibits a scene of iniquity, perseveringly and unblushingly enacted by high civil and ecclesiastical functionaries, such as could nowhere, perhaps, be found but in the history of the Church of Rome. This was met on the part of Richer by a wisdom and a firmness, a consistency and a moderation, which afford good ground for believing that he was a man of religious principle, and acted under the influence of divine grace. At length, in 1630, when Richer was seventy years of age, Cardinal Richlieu, who was at that time, on political grounds, very anxious to oblige the Pope, resolved to extort from him by force the retraction which he had been unable to procure by fraud, or by any other appliances. An apostolic notary was sent from Rome, who succeeded in inveigling Richer into a confidential conference, in a convenient place, when two men, employed by the Cardinal, suddenly seized him, and, putting their daggers to his throat, compelled him to put his name to a retraction, without giving him any time to collect himself, or to read the paper which he subscribed. This violence, combined with a feeling of remorse for his weakness and want of presence of mind, brought on a severe illness, from which he never recovered, though he was spared long enough to take effectual means for satisfying the world that he adhered to the last to the great principles for which he had laboured and suffered so much. Most of Richer's works were published after his death. They are very interesting and valuable, and are of fundamental importance in the study of the Gallican Liberties. Their titles are—A Treatise on Ecclesiastical and Political Power, with an elaborate Defence of it ; Vindication of the Doctrine of the School of Paris ; Treatise on the Power of the Church in Temporal Matters ; History of General Councils, and Treatise on Appeals as for abuse.—(*Appellations comme d'abus*).—Of the last work, the only one which Richer wrote in French, and the only



one which we have not seen, there is an account given by Dupin in his *Manuel*.\*

Soon after Richer's death, the political relations of some of the parties changed, and Richlieu, who was now prime minister, became alienated from the Pope. He was even suspected of an intention of detaching the Church of France altogether from the Roman obedience, and making himself Patriarch of Gaul. This encouraged the publication, in 1639, of a new edition of Pithou's "Liberties of the Gallican Church," with a commentary by Du Puy. This, combined with the rumours that were afloat as to Richlieu's intentions, greatly alarmed the Court of Rome. To appease the anxiety of the Ultramontanists, Richlieu directed De Marca, afterwards Archbishop of Paris, to write upon the Gallican Liberties, but in such a way as to make them as little offensive to the Pope as possible. Such was the origin of De Marca's famous work, "*De Concordia Sacerdotii et Imperii seu de Libertatibus Ecclesiæ Gallicanæ*," which was published in 1641. De Marca was a man of great talent and erudition, and his work contains much interesting discussion on some controverted topics in ecclesiastical history. But he was not an honest and impartial investigator of truth, and he wrote avowedly for the purpose of trying to please both the defenders and the opponents of the Gallican Liberties. This has given a great deal of vagueness to his discussion of the more general principles of the question, so that the chief value of his work now lies in its very able and learned investigation of historical details. He did not succeed in avoiding giving offence to the Court of Rome; and it was not till after several years of negotiation, and some unworthy explanations and concessions with respect to the principles he had advanced, that the Pope was induced to sanction his consecration to the episcopal office.

Nothing else of much importance occurs in the history of this subject, till the great era of 1682, when the famous Declaration of the Gallican clergy was adopted, under the influence of Bossuet. Louis XIV. had been for some time engaged in a dispute with the Pope about the regalia, or the right claimed by the Crown to draw the revenues of benefices while they were vacant, and to appoint absolutely, or *pleno jure*, to benefices which had no cure of souls. The details of this controversy, in its preliminary stages,

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\* P. 246.



are given at length in Bishop Burnet's "History of the Rights of Princes in disposing of Ecclesiastical Benefices and Church Lands," published in 1682. The occasion was favourable to the clergy asserting the Gallican Liberties, for the King at the time seemed determined to maintain them; and accordingly, on the 19th of March 1682, a representative assembly of the Gallican clergy, which was called by the authority of the King, and in which Bossuet was the presiding genius, adopted and published the celebrated Declaration in four articles, which has ever since been regarded as the authoritative standard of the Gallican Liberties, and the peculiar symbol of the Gallican Church. The first article of the Declaration asserted that the civil power is independent of the spiritual, and that the Pope has no authority, direct or indirect, in temporal matters, and especially no right to depose sovereigns, and to absolve subjects from their oath of allegiance; the second affirmed the doctrine of the Council of Constance, about the superiority of a general council over a Pope; the third asserted that the Pope, in the exercise of his spiritual supremacy, is bound to have regard to the canons of the universal church, and to the ancient laws and customs of the Church of France; and the fourth declared that, in questions of doctrine, the decision of the Pope was not "irreformable," unless it was accepted or concurred in by the church. This Declaration of the clergy was immediately confirmed by an edict of the King, and a decree of the Parliament, which enacted, that the principles it embodied should be taught in all the universities and seminaries, and should be professed by all who were admitted to academical honours; and Dupin has produced a series of subsequent enactments and decisions, proving, in opposition to the assertions of modern Ultramontanists, that it continues down to the present day to be a law of the State. The denial of the legal authority of this Declaration of 1682, was one of the grounds on which the Council of State, in 1845, condemned and suppressed the *mandement* of Cardinal Bonald.

The Pope was greatly exasperated by this Declaration, and issued a bull condemning it, upon which the French clergy appealed to a future council. The Pope refused to grant the usual bulls of institution, when any of the presbyters, who had been members of the Assembly of 1682, were nominated by the King to bishoprics. The refusal of the King and the clergy to retract

the Declaration, and the refusal of the Pope to grant bulls of institution, seemed likely to lead to an open schism between the Church of France and the Roman See. But at length, in 1693, the Pope consented to grant the bulls of institution upon the ground of some concessions made to his dignity, in the shape of private letters written to him by the King and by each of the bishops elect. These letters have been represented by the Ultramontanists as amounting to a retractation of the principles of the Declaration; but they really contain nothing more than vague expressions of regret for having offended the Pope, and of respect for his general authority; and would certainly not have been accepted as satisfactory, unless the Pope had been convinced that it was hopeless to expect a retractation. The Popes have never sanctioned the four articles of the Gallican Liberties. Pope Pius VI. expressly condemned them in the bull, "*Auctorem Fidei*," in 1794. The Popes have, on several occasions, when favoured by a concurrence of political circumstances, had influence enough to induce the French clergy to act a shuffling and unworthy part, in regard to some of the applications of the doctrines of the Declaration; but they have never,—though the tendency in France since the Restoration of the Bourbons in 1815 has been in favour of Ultramontane views,—been able to get anything like a retractation of the Liberties, either by the civil or the ecclesiastical authorities.

The publication of the Declaration of the Gallican clergy in 1682 gave rise to a great deal of controversial discussion; and some of the most eminent men the Church of France has ever produced, have zealously exerted their great talents and learning in defence of it. The Court of Rome has never been without men of ability and erudition to defend its cause, and they were not wanting upon this occasion. The bulkiest work in opposition to the Gallican Liberties, was a treatise, "*De Romani Pontificis Auctoritate*," in three volumes folio, published in 1691, by Rocaberti, Archbishop of Valentia, and Grand Inquisitor of Spain. This work was condemned by the Parliament of Paris; but as it was highly commended by the Pope, its author was encouraged to publish another work, *in twenty-one volumes folio*, containing a Thesaurus of all the treatises which had ever been written, upon true Ultramontane principles, in defence of the Pope's supremacy. The ablest work written in opposition to the Declaration of 1682, and the only one at all known now beyond a very limited circle of

readers, is the "*Tractatus de Libertatibus Ecclesiæ Gallicanæ*," published anonymously at Liege in 1684, and written by Charlas, president of a theological seminary at Pamiers. This is certainly a very valuable work. It contains a full discussion of the whole subject of the four articles, produces everything that learning and ingenuity could suggest in opposition to them, and attempts to answer all that had been adduced in defence of the Gallican Liberties by Pithou, Du Puy, Richer, Launoy, and De Marca.

The principal defenders of the Declaration were Bossuet, its author, Natalis Alexander, Fleury, and Dupin. It is interesting to find such men engaged in the defence of important truths ; and it may be proper to give a brief notice of what they have written upon the subject.

Bossuet's great work in defence of the Gallican Liberties is entitled, "*Defensio Declarationis celeberrimæ quam de potestate ecclesiastica sanxit Clerus Gallicanus, . . . 1682.*" It was not published till 1730, many years after its author's death. This has led some of the Ultramontanists, to whom the work is peculiarly obnoxious, to question its genuineness, or at least its integrity. But there is no reason to doubt that it is the genuine and uncorrupted work of Bossuet, and it is in no respect unworthy of his high reputation. Some, who did not venture to deny the genuineness of this work, have attempted to undermine the authority of Bossuet upon this subject, by alleging that he repented of the part which, in order to please the King, he took in preparing the Declaration ; and that though, in obedience to the King's command, he wrote this defence of it, he was averse to the publication of the work. De Maistre has laboured these points in the second book of his treatise, "*De l'Eglise Gallicane*," but he has produced no sufficient evidence of his main assertions, though he has succeeded in exciting a feeling of distrust in Bossuet's stedfast integrity. Bossuet's Defence is a great work, and may be said to exhaust the subject, in all the different aspects in which it can be contemplated. He has certainly proved, by evidence which cannot be answered, that the Pope has no legitimate claim, upon any ground of Scripture, reason, antiquity, or ecclesiastical authority, to any jurisdiction, direct or indirect, in temporal matters, to superiority over a general council, to exemption from the authority of the canons, or to infallibility in questions of doctrine ; and he has not scrupled to produce, in confirmation of his positions, cases in which Popes have contradicted each

other, and have unquestionably fallen into error in matters both of faith and discipline. His work is quite a storehouse of learned and ingenious discussion, upon almost all the vast variety of matters of fact and argument which have been brought to bear upon the investigation of these questions.

Natalis, or Noël, Alexander, was a Dominican Professor of Theology, and a Doctor of the Sorbonne. He is the author of a work entitled "*Historia Ecclesiastica veteris et novi Testamenti*," from the creation of the world till the year 1600. It was originally issued in parts, but was at length published in a complete form at Paris, in 1699, in eight volumes folio. This is a very peculiar work, and one of the highest value. It displays throughout, great learning and research ; but its chief peculiarity consists in this, that it contains formal and elaborate dissertations upon all the leading controversial topics, theological and ecclesiastical, to which the author has occasion to advert in the general history. This feature of the work makes it of the highest value to the student who wishes to be thoroughly versant in all those departments of ecclesiastical history which have given rise to controversial discussions between Protestants and Romanists. He shows himself throughout a strenuous defender of the Gallican Liberties, and a zealous opponent of the Pope's claim to temporal jurisdiction, to personal infallibility, and to superiority over a general council. His views upon these subjects are most fully brought out in Dissertations upon Gregory VII. in the sixth volume, upon the Councils of the Lateran and of Lyons, and the dispute between King Philip and Pope Boniface in the seventh volume, and upon the Council of Constance, as well as in a general Apologetic Dissertation in reply to attacks which had been made upon him, in the eighth volume. Alexander's History was of course very unpalatable at Rome. Innocent XI. put it into the Index Prohibitorius, and forbade all Christians to read it, upon pain of excommunication ; but it was removed from the list of prohibited books by Benedict XIII.

Fleury, whom we have mentioned as one of the leading defenders of the Gallican Liberties, is likewise the author of a valuable and voluminous ecclesiastical history, exhibiting great fulness and elegance, moderation and candour. His "*Discours sur l'Histoire Ecclésiastique*," inserted in his History, and published also in a separate volume, are models of judicious and elegant exposition.

He seldom enters into anything like controversial discussion, but his History is pervaded by a liberal and candid spirit, and exhibits frequently a faithful exposure of Papal usurpations, and of their injurious influence upon the church. His chief writings on the Gallican Liberties are, a chapter upon the subject\* in his "*Institution du Droit Ecclésiastique*," and his "*Discours sur les Libertés de l'Eglise Gallicane*," which seems to have been originally intended to form one of the dissertations in his History, but which was first published separately in 1724, after his death. This is a valuable work, and gives perhaps the best view of the subject that is to be found in so compendious a form. The best edition is that of 1765, which is accompanied by learned and liberal notes by the editors. Of this edition, Hallam † justly remarks,—“The last editors of this dissertation go far beyond Fleury, and perhaps reach the utmost point in limiting the papal authority which a sincere member of that communion can attain.”

The only other defender of the Gallican Liberties whom we intend to notice, is Louis Ellies Dupin, Doctor of the Sorbonne, well known by his great work, the "*Bibliothèque nouvelle des auteurs Ecclésiastiques*," and highly esteemed for his judgment, learning, and fairness. A considerable portion of Dupin's work, "*De Antiquâ Ecclesiæ Disciplina*," published in 1691, treats of the topics which are comprehended in the discussion of the Gallican Liberties, though without a formal reference to the Declaration of 1682. In 1707 he published a work in two volumes 12mo, entitled, "*Traité de l'autorité Ecclésiastique et de la puissance temporelle, conformément à la Déclaration du Clergé de France en 1682*," in which he takes the Declaration for his text, and gives a full and formal exposition and proof of the principles it embodies. This is an admirable work. It was intended for the use of those who were communicating and receiving instruction in the universities and seminaries, and it is well adapted to that object. His namesake speaks of it in his Manual with high commendation, and gives a brief analysis of its contents.‡ It is perhaps the best substitute for Bossuet's Defence of the Declaration, and has the advantage of being briefer and more compact.

Having given these brief notices of the history and literature

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\* P. iii. c. 25.

† Middle Ages, vol. ii. p. 54.

‡ P. 122.

of the Liberties of the Gallican Church, we would now make some observations upon the matter of them. The Gallican Liberties are based, as we have said, upon two fundamental principles,—the one having respect to the relation between the church and the State, or the ecclesiastical and the civil authorities,—and the other having respect to the internal constitution and government of the church itself. The first is,—that the civil power is wholly independent of the spiritual in all civil or temporal matters, and that in these matters the church or the Pope has no jurisdiction or right of authoritative control, whether direct or indirect; and the second,—which comprehends the substance of the last three articles of the Declaration of 1682,—is, that even in the church itself, or in spiritual matters, the Pope is not the highest authority, and that his proper place is that of a constitutional, and not of an absolute monarch. The first of these positions is an absolute universal truth, which can be established from Scripture and reason, and is confirmed by the general consent of the church. The second merely respects a difference of opinion as to the extent of the Pope's authority, among those who all concur in holding that he is the vicar of Christ upon earth. Protestants, who do not believe that the Pope is, in any sense, Christ's vicar or the church's monarch, have little to do with this dispute among Romanists, except only in so far as the existence of the controversy, and the grounds taken and established by the opposite parties, afford materials for overthrowing the whole claims of the Church of Rome and the Papacy.

We do not mean to consider the differences subsisting among Romanists as to the nature and extent of the Pope's spiritual supremacy, but we think it right to express our dissent from an opinion upon this subject, put forth in a very interesting work by the Reverend Mr Seymour, entitled, "Mornings with the Jesuits at Rome,"—a work displaying no ordinary acquaintance with the Popish controversy, and no small measure of controversial ability and skill. Mr Seymour, on several occasions, gratified his Jesuit friends by telling them that, in his opinion, the Ultramontanists had the advantage of the Gallicans on the scriptural argument as to the respective claims of Popes and general councils,—that is, that he thought that more plausible arguments could be adduced from Scripture for the supremacy and infallibility of Popes than of general councils. It might be a convenient thing for Mr



Seymour, in the peculiar circumstances in which he was placed, to be able honestly to make this concession ; but we cannot concur in the correctness of his opinion. We think it plain, that much the most plausible scriptural arguments, which the Romanists can adduce in support of their general claims to supremacy and infallibility, are derived from the characters ascribed, and the promises addressed, to the church in general. If it were once proved that the church is infallible and supreme, it might be plausibly maintained by those who believe in the *jus divinum* of Prelacy, that this infallibility is vested in, and that this supremacy must be exercised by, the body of the episcopate over the world, or by this body as represented in a general council. Romanists usually describe a general council as being the church representative, and the Pope as being the church virtual ; and what belongs to the church seems to devolve naturally, if it devolve at all, on that which most directly and immediately represents it. And then, as to the scriptural proofs which Romanists commonly adduce, as bearing directly and immediately upon the supremacy of the Pope as the head of the church, we think it manifest, that,—even conceding, for the sake of argument, the general grounds on which the Romish interpretation of them rests, and overlooking the insuperable difficulty of proving from Scripture that the Bishops of Rome are Peter's heirs and successors,—they yet afford no plausible grounds for ascribing to Peter, as distinguished from the other apostles, that supremacy or autocracy which Ultramontanists ascribe to the Pope, as against the assembled or represented episcopate. Upon the footing of the concessions above stated, they might afford good grounds for maintaining the position, that the Pope is *major singulis episcopis*,—but none for disproving the position that he is *minor universis*,—superior to all bishops taken singly, inferior to them all taken collectively.

Dupin's Manuel is chiefly occupied with materials bearing upon the consequences and applications of the first of the four articles of the Declaration of 1682,—that is, the assertion of the entire independence of the civil power upon the ecclesiastical, and the denial to the spiritual authorities of all jurisdiction in temporal matters ; and to this article we shall chiefly confine our remaining observations. It is needless to dwell upon the proof or evidence of this position. Its truth is admitted by all but ultramontane Papists. There is much in Scripture to establish it, and nothing



to throw any doubt upon it. It was held by the whole church till the time of Gregory VII., and even after his time it was often admitted in general terms, by those who were practically denying it. It is, however, only a part of a wider and more general truth,—namely, that which asserts that the State and the Church are two distinct and independent powers, each having its own province, and each possessed of supreme jurisdiction in its own sphere. Ultramontanists contravene this general truth, in so far as the State is concerned, by virtually denying its independence, and by ascribing to the Church jurisdiction, direct or indirect, over its affairs. Erastians contravene it, in so far as the church is concerned, by virtually denying its independence, and by ascribing to the civil power jurisdiction in ecclesiastical matters. Erastianism,—that is, the unwarrantable interference of the civil power in the regulation of ecclesiastical affairs, and the unwarrantable submission to this interference by the church,—has been one of the weaknesses and dishonours of Protestantism. Something of this sort has been exhibited in most Protestant churches, though it has been generally condemned and resisted by Scottish Presbyterians. Scriptural views of the church, as a distinct and independent society, preserved the Gallican divines from the Erastian extreme; and scriptural views of the State, as being also a distinct and independent society, preserved them from the Ultramontane, or as, from its general prevalence in the Church of Rome for many centuries, we are warranted in calling it, the Popish, extreme. The Gallican divines thus succeeded in reaching, on the subject of the relation that ought to subsist between the civil and the ecclesiastical authorities, the golden mean that has been generally professed by Scottish Presbyterians; and they have made valuable contributions to the exposition, illustration, and defence of the principles on which this important truth is based.

There is, however, an important difference between the *stand-point* of the Presbyterians and the Gallicans in investigating this subject, which, to a Presbyterian, gives an additional interest to the Gallican discussions, while it tends to confirm the soundness of the general conclusion in which both parties concur,—and it is this, that they reach the common conclusion by advancing to it from opposite sides. The independence of the State the Presbyterians never thought of disputing, and were not called upon to maintain, because not contending with any who denied it. They

had to contend with Erastians, who, more or less openly, denied the independence of the Church, that they might vindicate the right of the State to exercise control, directly or indirectly, over it; and they had to establish the independence of the church, that they might thus exclude the alleged right of civil rulers to interfere authoritatively in the regulation of its affairs. The Gallicans, on the other hand, while they believed in the independence of the church, were not called upon to contend for this principle, because no Romanist disputed it; but for the independence of the State, in order that, by establishing this, they might exclude the Ultramontane claim on behalf of the Pope, as the head of the church, to jurisdiction, direct or indirect, in temporal matters. Starting from the admitted independence of the State, the Presbyterians established the independence of the Church, in order that they might exclude the claim of the civil power to exercise authoritative control in ecclesiastical matters. And starting from the admitted independence of the Church, the Gallicans established the independence of the State, in order that they might exclude the claim of the Pope to exercise authoritative control in civil affairs. In this way, advancing from opposite directions, they reached one common position; and they have thus contributed jointly to establish the one great doctrine which assigns both to Church and State entire independence of each other as distinct societies, and excludes the one from all rightful control over the other; while it leaves them at full liberty to unite or enter into alliance, for their mutual benefit, upon terms of equality. The controversy about the Gallican Liberties thus occupies an important place in the series of discussions which have tended to establish right views of the relation that ought to subsist between the civil and ecclesiastical authorities, and is fitted to be peculiarly interesting to Scottish Presbyterians.

A survey of the discussions which have taken place about the Gallican Liberties, suggests some curious points of resemblance in the general line of policy and course of argument adopted by those who have respectively opposed the independence of the Church and of the State. As the Presbyterians have been commonly accused by the Erastians of adopting the Popish principle of subjecting the civil to the ecclesiastical, so we find that the Gallicans were usually accused by the Ultramontanists of adopting the Erastian principle of subjecting the ecclesiastical to the

civil. Both accusations were unfounded,—both were mere controversial artifices. It is true that instances occurred in which some of the court bishops and crown lawyers, who took part in the defence of the Gallican Liberties, failed to distinguish aright the true boundary between things civil and things ecclesiastical, and made statements of a somewhat Erastian tendency. But the leading Gallican theologians, who have discussed this subject, have succeeded in avoiding the extreme, opposite to that against which they were contending; and have usually claimed for the church of Christ, all the independence, and all the powers and prerogatives, which Scottish Presbyterians have been accustomed to ascribe to it. It is true, also, as Fleury and others have complained, that the French parliaments and courts of law did sometimes carry their interferences in regard to ecclesiastical matters, beyond what a right view of the independent jurisdiction of the church, or a fair application of the principles of the Gallican Liberties, would have sanctioned. In a Roman Catholic country there was continual danger of the ecclesiastical authorities going beyond their province, and interfering unwarrantably with men's civil rights and privileges. It was quite competent and reasonable that this should be guarded against; and the provision made in the law of France for practically enforcing the Gallican Liberties, and protecting men from the undue interference of ecclesiastics, was what was called the *appellatio tanquam ex abusu*, or, *appel comme d'abus*, by which an appeal was made to the parliament, for redress of grievances inflicted by incompetent or unauthorized ecclesiastical sentences.

These *appels comme d'abus* have given rise to a great deal of discussion, and not a few books have been written expressly upon this subject, from Richer's treatise, formerly mentioned, down to an able and interesting work, entitled "De l'Appel comme d'abus, son origine, ses progrès et son état présent," published in 1845, by M. Affre, the late Archbishop of Paris, who was killed at the barricades in June 1848. This right of appeal was by law reciprocal,—that is, it might be brought either for alleged interferences of the civil authorities with the ecclesiastical, or of the ecclesiastical with the civil; but in practice it seems to have been had recourse to, almost wholly to check the alleged encroachments of the church. And as the parliament seems in general to have been strongly inclined to encourage the exercise of this right in that

direction, the clergy had sometimes good reason to complain, that by the decisions on these appeals the independence of the church was violated, and that they were unwarrantably interfered with in the exercise of their legitimate functions. A provision of this sort, recognised as an ordinary regular legal arrangement, was evidently very liable to be abused, and this seems to have been to some extent the result. Hence we find, that some of the theologians who most strenuously defended the Gallican Liberties and the independence of the civil power, complained of the practice in regard to these appeals, as interfering with the independence of the church; and hence we find, also, that some of the lawyers who defended these interferences of the parliament, professedly on the ground of their accordance with the Gallican Liberties, occasionally laid down positions, and employed a line of argument, that were plainly and palpably Erastian.\* France was not the only Roman Catholic country in which provisions existed and decisions were pronounced, which the clergy condemned, as violating the independence of the church, and infringing upon the ecclesiastical province, and which the lawyers could defend only on grounds which were plainly Erastian. The University of Louvain at one time strenuously defended the principles of the Gallican Liberties; and in the controversy to which this gave rise, some of the Belgic lawyers imitated the French by falling into the Erastian extreme. But notwithstanding all this, it remains true, as we have said, that almost all the great men who have defended the Gallican Liberties, whether theologians or jurists, have in the main avoided the Erastian extreme,—have maintained the independence of the church as well as of the State,—and have held views as to the proper rule of limitation concerning things civil and ecclesiastical, and the rights and duties of the

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\* In the controversy occasioned by the recent collision between the civil and the ecclesiastical courts in Scotland, an attempt was made to defend the interferences of the civil courts, by adducing Erastian quotations from a treatise, "De Recursu ad Principem," by Van Espen, the celebrated canonist of Louvain. The respected author of this attempt, Lord Medwyn, was evidently ignorant of the history

and general bearings of this whole subject, and seems to have assumed that no statement which came from a Roman Catholic could be Erastian,—that is, could countenance any *undue* interference of the civil power in ecclesiastical matters. He might easily have found much matter of a similar kind in the French lawyers who defended the *appel comme d'abus*.

civil power *circa sacra*, substantially the same as those which have been generally put forth by Scottish Presbyterians.

While the Erastians have been accustomed to accuse Presbyterians of holding Ultramontane, and the Ultramontanists to accuse the Gallicans of holding Erastian, views in regard to the relation between the civil and ecclesiastical powers, the controversy in France combined with the controversy in Scotland in making it manifest, that Erastians and Ultramontanists really agree in some of the leading principles by which they defend their respective positions. The chief argument by which Erastians have usually assailed the independence of the church, as maintained by Presbyterians, is this,—that in every country there must be some one supreme power which has ultimate jurisdiction over all persons and in all cases, and that without this there would arise the absurdity and the mischief of an *imperium in imperio*; and it was by the very same argument that the Ultramontanists assailed the independence of the State, as maintained by the Gallicans. The parties who concur in adopting this general principle, of course differ in their application of it—the one vesting the supreme and ultimate jurisdiction in the State, and the other in the church. But the fact, that they both make this general principle the mainstay of their argument, is a curious and instructive one. Erastus himself has appealed to the authority of the Romanists in support of this general principle, which he held in common with them;\* and Louis du Moulin, who was Professor of History at Oxford during the Commonwealth, and who laboured most strenuously in maintaining Erastianism upon Independent or Congregational grounds, has followed his example on this point.†

Another point of resemblance in the mode in which Ultramontanists and Erastians have conducted this controversy is, that in general they have not ventured very directly and explicitly to assail the leading position of their opponents, but have rather sought to undermine it, or to evade its application by indirect and circuitous processes—*processes which are, in both cases, substantially the same*. Ultramontanists have not, in general, very explicitly denied the independence of the State, nor Erastians that of the church. They have not usually claimed for the one direct, but

\* “Confirmatio Thesium,” lib. iii. c. i. p. 161.

† “Rights of Churches, and Magistrate’s Power over them,” pp. 268 and 291.

only indirect, control over the other. They have not usually denied altogether that the one of these powers to whose claims they were adverse, respectively, had a province of its own, into which the other could not enter; but they have laboured to extend or contract unduly the limits of their respective provinces. They have both endeavoured to make use of *mixed* questions,—that is, questions in which there was at once a civil and a spiritual element, such as patronage, benefices, and marriage,—for the purpose of involving in obscurity and confusion the just limits between the provinces of the church and the State, and have then laboured to take advantage of the obscurity and confusion which they had created, for the purpose of advancing the claims of the party—Church or State—whose cause they had espoused. And at last, when they could do nothing more, they have affected moderation in claiming for the Church or the State only the right of deciding questions of disputed jurisdiction, when the two parties differed from each other about the limits and extent of their respective provinces and functions,—as if it were not manifest, that the ascription of the right of deciding questions of disputed jurisdiction to *either party exclusively*, amounted to a denial of the original intrinsic independence of the other, and practically reduced it to a condition of helpless subjection.

It is interesting and instructive to trace these points of resemblance between the arguments and policy of the Erastians on the one side, and the Ultramontanists on the other, and to notice how the reasonings of Scottish Presbyterians and of Gallican Romanists in opposition to them, combine in establishing the great doctrine of the independence of the Church and the State as distinct societies, and in illustrating the way in which this doctrine ought to be applied and defended. The fundamental principle of the doctrine of the Scottish Presbyterians in regard to the proper relation of the civil and the ecclesiastical authorities, has been correctly described as that of *a co-ordination of powers and a mutual subordination of persons*; and we do not know that this principle has ever been better stated than in the following passage from the seventh Dissertation of Louis Dupin's work, "*De Antiquâ Ecclesiæ Disciplina*:"—"It is to be observed that there is a great distinction between the power itself and him who exercises the power, so that it may happen that he who exercises a power may be subject to another power, although that power which he



exercises is subject to no power. To apply this to the matter in hand, it is to be observed, that the same man is at once a member both of civil and ecclesiastical society, and is therefore, in his person, subject both to the civil and the ecclesiastical power; but it does not by any means follow from this, that the civil power which he may possess is subject to the ecclesiastical, or the ecclesiastical to the civil, because he is subject to the civil power only in civil matters, and is subject to the ecclesiastical power in spiritual matters. Thus, bishops are subject to the regal power, but only in civil things; so that the power of bishops is not subject to the civil power, and hence the King cannot appoint or depose bishops by force or by civil authority. In like manner, kings are subject to bishops, to the Supreme Pontiff, and the spiritual power, but only in spiritual things, so that the temporal power, which they have as kings, is in no way subject to the spiritual power; and hence kings cannot be appointed or deposed by ecclesiastical authority. On these grounds, though it is certain that kings are subject to the spiritual power, and bishops to the temporal power, we are not on this account warranted in saying, that the ecclesiastical power is subject to the civil, or the civil to the ecclesiastical; for both these powers are entirely distinct, and are dependent only on God, by whom they were instituted, so that neither has any control or jurisdiction over the other, although the spiritual is more noble than the temporal.\*

There never was any general provision in the ancient law of Scotland analogous to the "Appel comme d'abus" in the law of France. The principle on which the union between Church and State was formed in Scotland was, that the two powers, acting as coequal independent parties, came to an agreement or mutual understanding as to what the church held herself bound to do or to claim, in teaching doctrine, in administering sacraments, and in exercising discipline; and that the sanction of the State was given to this agreement or concordat, so that it became valid and binding in *foro soli* as well as in *foro poli*,—to civil as well as to spiritual effects; and that then the church was left to discharge her own duties and to execute her own functions, without any formal provision having been made for keeping her within her

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\* Pp. 434-5. This passage is quoted | stitution of the Catholic Church," pp. with approbation in Hickes's "Con- | 113-117.



own province, or checking her encroachments. In these circumstances, it is plain that, if any collision should arise between the civil and ecclesiastical authorities, the doctrine that the church is originally and intrinsically independent of the State, and that she has an exclusive province of her own, required that the collision should be adjusted by an examination of general principles, conducted by the Church and State acting upon a footing of equality, or by their highest organs representing them; and that, in the meantime, the utmost extent of interference, legitimately competent to the subordinate organs of the State—the courts of law—was to refuse to give civil effect to ecclesiastical sentences which they might regard as incompetent and unwarranted. Nay, there would be no violation of strict principle, no actual interference with the church's intrinsic independence, if the State thought proper to make a general formal provision that her courts of law might refuse to give civil effect to ecclesiastical sentences when they regarded them as illegal or unjust. No formal general provision to this effect had been made in the law of Scotland, though something like it had been indicated in the statute of 1592; but the principle had been practically established, during last century, by a series of decisions in the civil courts, who saw and admitted that any further extent of interference with ecclesiastical sentences, even when believed to be unjust and illegal, was inconsistent with the independent and exclusive jurisdiction within her own province, which the church claimed to herself upon scriptural grounds, and which the civil law had recognised as belonging to her *jure divino*. This was the state of the law in Scotland until those recent decisions of the civil courts, which produced the disruption of the Establishment, by breaking down the ancient landmarks, and reducing the Established Church to unwarrantable subjection to the civil authority.

The “*Appel comme d’abus*” in France, though, within the limits just explained, it was not inconsistent with sound principles, seems to have been often abused, and to have been applied in such a way as to sanction Erastian interferences. And, accordingly, we find that some of the French theologians, while maintaining the Gallican Liberties, and asserting the independence of the State as well as of the church, complained that, practically, the Roman Catholic Church of France had been reduced to the condition of the Protestant Church of England; and, what is peculiarly inte-

resting, we find that the redress which they demanded of the grievances under which they suffered, was just this,—that the interferences of the civil tribunals should be restrained within the limits which the civil courts in Scotland had, before the recent decisions, so carefully prescribed to themselves. The following remarkable passage upon this point, from the work of the late Archbishop of Paris, formerly referred to, is well deserving of attention :—“ If the loss of honour, or if spiritual penalties, drew with them the loss of the fruits of a benefice, or any other temporal injury, the civil legislator might have, in strictness, reserved to himself the power of granting or refusing a civil sanction to a sentence which he regarded as not equitable. The secular arm might withdraw itself whenever it believed itself called upon to support an unjust judgment. *This is what the most simple common sense dictated.* By this means each remained within its own proper sphere—the bishop remained a bishop, the magistrate remained a magistrate, the jurisdictions were no longer in collision, the laws of the church did not become an object of derision to its enemies, and the decrees of the civil courts did not become a source of oppression to the clergy and the Catholics, whose feelings they wounded, and whose rights they injured. In this way there would have been spared interminable processes and heavy expenses to the parties, and, to the judges themselves, discussions without end to establish unjust and absurd pretensions ; and, finally, society would have ceased to have before its eyes the most scandalous and the most distressing of spectacles.”\*

This passage gives an able statement of the great principle laid

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\* “ Si la privation de l'honneur, si les peines spirituelles entraînoient la privation des fruits d'un bénéfice ou toute autre perte matérielle, le législateur civil auroit pu à la rigueur se réserver d'accorder ou de refuser une sanction de ce genre à une sentence qu'il regardoit comme moins équitable. . . . Le bras séculier pouvoit se retirer toutes les fois qu'il se croyoit exposé à appuyer un jugement injuste. Voilà ce que disoit le plus simple sens commun. Chacun, par ce moyen, restoit dans la sphère de ses attributions : l'Evêque restoit évêque, le magistrat demeuroit magistrat ; les jurisdictions

n'étoient plus en lutte ; les lois de l'Eglise ne devenoient pas un objet de dérision pour ses ennemis ; les arrêts, un objet d'oppression pour le clergé et les catholiques dont ils froissoient les sentiments et blessoient les droits ; on épargnoit des procédures interminables, des frais dispendieux aux justiciables, aux juges eux-mêmes des discussions sans fin pour établir des prétentions injustes et absurdes. Enfin, la société cessoit d'avoir sous les yeux le plus scandaleux comme le plus douloureux des spectacles.”—(P. 222-3.)

down by Lord Kames, in his Historical Law tracts, as to the only necessary, yet perfectly sufficient, check upon ecclesiastical encroachments; while the striking picture it presents of absurdity and mischief, was fully and literally realized in Scotland by those decisions of the civil courts, which, in violation of that principle, and without sanction either from statute or precedent, trampled upon the independence of the church, and removed the landmarks between things civil and things ecclesiastical, which had ever before been sacredly observed.

A survey of the discussions which have taken place in France with regard to the first article of the Gallican Liberties, thus suggests much to confirm the soundness of the views which have been generally entertained by Scottish Presbyterians as to the relation that ought to subsist between the civil and the ecclesiastical authorities, and the applications that ought to be made of them. And it is interesting further to notice, that the same men approximated upon other points, not directly comprehended in the Gallican Liberties, to sound and scriptural opinions in regard to the constitution and government of the church,—especially in regard to the relation that ought to subsist between bishops and presbyters, and between ecclesiastical office-bearers and the ordinary members of the church. The causes of the comparative soundness of their opinions upon these points were, that they were usually men of so much good sense and sound judgment, as to perceive something of the unreasonableness and extravagance of the opposite doctrines,—their inconsistency with the general scope and spirit of the New Testament; and that they sought to follow the practice of the early church, before its constitution and government were so extensively modified by Papal corruptions.

The view which was taken by the Ultramontanists of the supremacy of the Pope, and against which the last three articles of the Declaration of 1682 were directed, was this:—"That all ecclesiastical authority resides principally in the Pope, who is its source, in such a sense, that he alone holds his power immediately of God, while bishops hold it of him, and are only his vicars—that it is he who gives authority even to general councils—that he alone has a right to decide questions of faith, and that all the faithful ought to submit implicitly to his decisions, because they are infallible—that he alone can make what ecclesiastical laws he pleases, and dispense with them, even without a cause, after they

are made—that he can dispose absolutely of all ecclesiastical property—that he renders account of his conduct only to God—that he judges all others, and is judged by no one.\* It requires no great share of common sense to see how unspeakably absurd all this is as applied to any man or succession of men, and especially to such men as many of those who have filled the Romish See; and it needs no great discernment to perceive the utter want of proportion between this monstrous notion, and the evidence in Scripture and primitive antiquity on which it professes to be based. Even admitting the *jus divinum* of some primacy vested in Peter, *this* notion surely bears no sort of resemblance to the relation indicated in the New Testament as subsisting between Peter, on the one hand, and, on the other, the rest of the apostles, and the bishops or presbyters whom they ordained in every city; and nothing can be plainer than that for several hundred years the Bishops of Rome held no such place, and exercised no such authority, in the church as the Ultramontanists have assigned to Peter's successors.

The same good sense and regard to primitive antiquity which led the defenders of the Gallican Liberties to reject such extravagant notions with respect to the Papal supremacy, made some of them also approximate to Protestant and Presbyterian principles with respect to the standing of presbyters, and the standing of the Christian people, in the regulation of ecclesiastical affairs. They believed in the *jus divinum* of the Papal supremacy, but they did not regard the Pope as the absolute monarch of the church, as possessed of despotic authority over any other bishop, or as exempted from the control of the body of bishops. In like manner, they believed in the *jus divinum* of prelacy; but some of them attained to more reasonable and moderate views of the superiority of bishops over presbyters, than have been put forth by some prelatists who were not Romanists. The scriptural and primitive doctrine of the identity of bishops and presbyters has left traces of its influence through the whole history of the church,—traces which were not wholly obscured or suppressed by the darkness and tyranny of Popery.

We may refer, in illustration of this, to the declaration of Peter Lombard, the Master of Sentences, that the primitive

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\* Fleury, "Discours," p. 21.

church had but two orders of priesthood, the presbyterate and the diaconate,—to the insertion, by Gratian, in the Canon Law, of the Presbyterian views of Jerome,—and to the fact that some eminent Romish theologians, both before and since the Reformation, have maintained the position, that the episcopate and the presbyterate are not two different *orders*, but two different *degrees* of one and the same order.\* The defenders of the Gallican Liberties—though, being prelatists themselves, and being specially called upon to defend the rights of bishops in opposition to the despotism of the Pope, they might not unnaturally have been led to take up the highest views of the prelatic office—had generally the good sense to avoid this error, and have assigned a higher and more influential place to the presbyterate than many of the divines of the Church of England have done. John Gerson, the Chancellor of the University of Paris, explicitly maintains that the parish priests are hierarchs as well as the bishops—that both belong to the *status hierarchicus*, or the governing body of the church,—and that both have a definitive voice even in general councils.† Richer adopts the same view, and defends it at length. In his treatise, “*De ecclesiastica et politica potestate*,” he lays this down as his first and fundamental position,—*Jurisdictio ecclesiastica primario ac essentialiter Ecclesiæ convenit*—Ecclesiastical jurisdiction belongs primarily and essentially to the church. He did not take this position, however, in the sense in which it has been maintained by some Protestant divines; for in this second chapter he explains, that by *Ecclesia* he means the *Ecclesia sacerdotalis*, or the *ordo hierarchicus*, comprehending bishops and presbyters, to both of whom, *immediately*, though with a certain subordination, he argues, that Christ had committed the power of governing His church. Similar instances of approximation to Presbyterian principles might be adduced from other defenders of the Gallican Liberties. Indeed, it was scarcely possible that, with the sound judgment, and the independent and candid examination of primitive antiquity, by which they were usually distinguished, they could fail to make some concessions to truth upon this point. Although they generally held that bishops were the successors of the apostles, and presbyters the successors of the seventy disciples,

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\* See “*Historical Theology*,” vol. ii. 521. (Edrs.)

† Gerson, “*De Potes. Eccles. Con-sid.*,” xii.

they saw and admitted, that even in apostolic times the presbyters had a large share in the ordinary government of the church ; and they could not altogether resist the force of the evidence by which it has been shown, that, whatever may have been the precise stages and epochs in the gradual increase of prelatic authority, and whatever difficulty there may be in tracing them, it holds true, practically and substantially, that in primitive times the churches, to adopt Jerome's words, were governed by the common counsel of presbyters,—*communi presbyterorum consilio Ecclesiæ gubernabantur*.

Another curious instance of the approximation of the defenders of the Gallican Liberties to Presbyterian principles, explainable only, we are persuaded, by their superior soundness of judgment, and the candour with which they investigated the primitive constitution of the church, is to be found in the views which some of them maintained as to the rights of the Christian people in the appointment of their pastors and bishops. That for the first five or six centuries the Christian people had the choice of their own bishops, or at least an absolute veto or negative upon their appointment, so that no bishop could be intruded upon them against their will or without their consent, has been established by evidence which cannot be successfully or even plausibly assailed.\* The possession and exercise of this right by the people was of course opposed to the whole genius and spirit of Popery, and it had been wholly extinguished in the church for many ages until it was restored by the unanimous judgment of the Reformers. In restoring the primitive principle of popular election or non-intrusion, the Reformers could appeal to certain statements handed down from early times, which had been allowed to stand in the "Pontificale" of the Roman Church, and which afforded clear indications that when they were first introduced, the consent of the congregation must have been required in the appointment of ministers, and that intrusion must have been impossible. We learn from Father Paul, that in the Council of Trent a proposal was made to deprive the heretics of this advantage, by expunging the passages referred to, but that the council thought it, upon the whole, more prudent to let them have the handle of the passages being there, than the handle of their having been expunged. We

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\* See "Historical Theology," vol. ii. p. 542. (Edrs.)



are not aware that since the Reformation and the Council of Trent, any Romanists have defended the doctrine of popular election or non-intrusion, or have allowed to the Christian people any higher place or standing in the appointment of their pastors than a right of stating objections, except some of the defenders of the Gallican Liberties. They generally condemned the Concordat between Francis I. and Leo X., by which even the form of canonical election was abolished, and the whole matter of the appointment of bishops was divided between the King and the Pope. They were accustomed to denounce this arrangement, as implying that both parties gave away what did not belong to them, and what they had no right to sacrifice,—the King giving up the rights of his kingdom in conceding the necessity of a Papal bull of investiture or institution, and the Pope giving up the rights of the church,—the clergy and the people,—in conceding to the King the sole right of appointing bishops. The discussion of this subject led them to investigate carefully the ancient doctrine and practice of the church in regard to elections, and the result was that approximation to Protestant and Presbyterian principles to which we have referred.

Richer unequivocally and strenuously maintains the principle of non-intrusion in its only fair and honest sense, as distinguished from a mere right of stating objections of the validity of which another party is to judge, and as implying an absolute veto or negative upon the appointment. And he argues in favour of the necessity of the people's consent, thus understood, not only from the undoubted doctrine and practice of the primitive church, but from the nature of religion and Christianity, and the objects and ends of the church and the ministry.\* Two short extracts from another defender of the Gallican Liberties, will show that the same views have continued to prevail down to the present day. They are taken from a work containing a large amount of very interesting information upon the whole subject, entitled "*Essai Historique sur les Libertés de l'Eglise Gallicane, et des autres Eglises de la Catholicité*, par M. Grégoire, ancien Evêque de Blois." It was published at Paris in 1820; and the second edition, from which we quote, appeared in 1826. Grégoire was one of the

\* See "*Defensio Libelli de Ecclesiastica et Politica Potestate*," lib. ii. c. vii. secs. 7 and 25; and "*De*

*Potestate Ecclesiæ in rebus Temporalibus*, lib. iv. c. 1 and 2.



bishops who accepted what was called the civil constitution of the clergy, adopted by the Constituent Assembly in 1790, and was deprived of his office by the extraordinary and most tyrannical exercise of power that accompanied the reconstruction of the French Church, in virtue of the Concordat between Bonaparte and the Pope in 1801. Besides the work above mentioned, he rendered another service to the Gallican Liberties, by answering De Maistre's Ultramontane book upon the subject. Upon the point we are at present considering, he makes the following statements :—"The Gallican Liberties, being just the right which the Church of France has to govern itself according to the ancient discipline, the spirit of these liberties tends to produce continually a return to primitive usages. Among these usages figure, in the first rank, the election of pastors by the clergy and the people, and the institution and consecrations of bishops by the metropolitan with his suffragans. On these subjects we can produce in abundance declarations of councils and of fathers, and facts."

"What mischief has been occasioned both to church and State by the domination of the Popes over the temporal powers, and over bishops ; by that of bishops over presbyters ; and, finally, by that of Popes, bishops, and princes over the people ! The temporal powers have recovered most of their rights ; but it is not so with the bishops, especially the metropolitans, who have scarcely saved anything from the shipwreck. And as to the faithful in general, being deprived, as well as the clergy, of the power of choosing their bishops, they are thus condemned to a sort of spiritual disinheritance. Natural and divine right, apostolic tradition, the universal discipline of the primitive church, the canons of councils, the decisions of Popes, the maxims of the holy fathers, all proclaim as inalienable the right of the faithful to have for their guides in the way of salvation none but those men whom they have chosen, or at least the choice of whom they have invited and ratified by their suffrages."\*

\* C. ii. pp. 43, 44. The original of this last clause is, "à n'avoir pour guides dans la voie du salut que des hommes qu'ils ont élus, ou du moins, dont par leurs vœux ils ont provoqué et ratifié le choix ;" and the statement is almost identical with the well-known declaration of Calvin, "Est impia ecclesiæ spoliatio quoties alicui

populo ingeritur Episcopus, quem non petierit, vel saltem libera voce approbarit."—*Inst.*, lib. iv. c. v. sec. 3. "It is an impious robbery of the church whenever a bishop is imposed upon any people, whom they have not asked for, or at least approved of with a free voice."

Enough has been said to show, that the discussions which have taken place in connection with the assertion and maintenance of the Liberties of the Gallican Church, form a very important department in the history of the investigation of the principles that ought to regulate the relation between the civil and the ecclesiastical authorities; and that they afford most interesting and valuable confirmations of the opinions upon this subject, as well as upon the internal constitution of the church, which have been generally entertained by the Presbyterians of Scotland.

## CHAPTER VI.

### ROYAL SUPREMACY IN THE CHURCH OF ENGLAND.\*

THE true Popish doctrine upon the subject of the relation that ought to subsist between the church and the State, or between the ecclesiastical and the civil authorities, is, that the ecclesiastical power is superior, in point of jurisdiction, to the civil. This is the view which has been held by the generality of Romanists except the defenders of the Gallican Liberties, and it accords most fully with the general principles and spirit of the Church of Rome. The opposite extreme to this is, of course, the doctrine of the superiority of the civil power to the ecclesiastical. This doctrine is often called by continental writers Byzantinism, a name suggested by the unwarrantable control generally exercised by the Emperors of the East over the Patriarchs of Constantinople and the Greek Church during the middle ages, while in this country it is usually known by the name of Erastianism. The golden mean between these two extremes, is the doctrine that the Church and the State are two distinct societies, independent of each other,—each having its own separate functions and objects, and its separate means of executing and accomplishing them,—each supreme in its own province, and neither having jurisdiction, or a right of authoritative control, over the other. This we believe to be the doctrine of the sacred Scriptures upon the subject. The defenders of the Gallican Liberties in the Romish Church of

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\* NORTH BRITISH REVIEW, No. **xxix.**, May 1851. Art **x.**—1. *The Royal Supremacy not an Arbitrary Authority, but limited by the Laws of the Church, of which Kings are Members.* By the Rev. E. B. PUSEY, D.D., Regius Professor of Hebrew, Canon of Christchurch. Part I. *Ancient Precedents.* Oxford, 1850.—2. *The Papal and*

*Royal Supremacies contrasted. A Lecture delivered on Sunday the 12th of May 1850.* By the Right Rev. N. WISEMAN, D.D., Bishop of Melipotamus, V.A.L.—3. *The Queen or the Pope? the Question considered in its Political, Legal, and Religious Aspects.* By SAMUEL WARREN, Esq., of the Inner Temple. 1851.

France, and the old Scottish Presbyterians, were led most fully to develop this doctrine, and it is now held by all the non-established churches in this country.

The chief difference among the non-established churches, in regard to this matter, turns upon these two questions—first, Does the denial to the State of any jurisdiction or authoritative control over the church, involve or imply a denial that the State is entitled and bound to exercise *its proper authority in its own province*, with a view to promote the welfare and extension of the church? and, secondly, Does the independence of the Church as a distinct society, with the church's obligation to maintain this, necessarily preclude it from entering into a friendly union or alliance with the State? The advocates of what is commonly called the Voluntary principle answer these two questions which are virtually and substantially one, in the affirmative; while the advocates of what is usually called the Establishment principle answer them in the negative. Both parties, however, concur in holding the entire independence of the Church and the State as two distinct societies, and in denying to either any superiority, in point of authority or jurisdiction, over the other; while, on the points on which they differ, the advocates of the Establishment principle undertake to prove, that an obligation lies upon the State to aim, in the exercise of its proper authority in civil matters, at the welfare of true religion; and that there is no consideration which necessarily and universally precludes the Church from entering into friendly union with the State, and of course treating and arranging with it about the terms on which mutual co-operation may take place.

No sooner had the civil authorities made a profession of Christianity, than we find indications of their assuming to themselves jurisdiction in ecclesiastical matters, and encroaching upon the church's province. Before the end of the fourth century, the church was obliged to pass canons prohibiting the clergy from applying to the civil power, in order, by its interference, to secure or to retain their ecclesiastical status and privileges,—canons identical in their substance and objects with the law passed by the Church of Scotland, in 1582, against Mr Robert Montgomery, when, in defiance of the church, he attempted to intrude, on the nomination of the king, and by the aid of the secular power, into the archbishopric of Glasgow. The encroachments of the civil power led to a setting forth of the fundamental principle of the

independence of the church upon the State, and of the supremacy of each in its own province; and we find this principle very fully and accurately stated by some of the Popes, and other leading ecclesiastical authorities, in the fifth and sixth centuries. This important doctrine, however, did not obtain permanent practical ascendancy; for, during the middle ages, the Eastern Church lost all its rights and liberties, and sunk into a condition of abject slavery to the civil rulers; while the Western Church, by the marvellous skill and unscrupulous dexterity of the Popes, succeeded, to a large extent, not only in obtaining exemption from civil control in civil matters, but in securing supremacy over the civil power. The principle of the superiority of the civil over the ecclesiastical was established in the East, while that of the superiority of the ecclesiastical over the civil was established in the West. Both these principles are opposed to the sacred Scriptures; and both, in their practical results, operated injuriously to the interests of religion, and to the general welfare of the community.

At the Reformation, the civil authorities who espoused the Protestant cause, were called upon to repel the encroachments which the Church of Rome had made in many ways upon the secular province, and to assert to the full their own legitimate power. This tended again to lead them to assume too much to themselves in regard to ecclesiastical matters, and to make encroachments upon the church's province,—a tendency which some of the Reformers did not a little to countenance. In most of the Reformed churches, accordingly, the rightful independence of the church was more or less encroached upon, and the civil powers practised an extent of interference with ecclesiastical matters, which scriptural views of the duties and functions of the Church and of the State do certainly not sanction. There is good ground to believe that Luther and Melancthon became at last sensible that they had erred in conceding too much power to the civil authorities in the regulation of ecclesiastical matters; but they could not repair the evil they had done, as their rulers were not disposed to abandon any portion of the power they had acquired. Calvin, whose comprehensive and penetrating intellect raised him far above all even of his great contemporaries in the discovery and establishment of truth, promulgated from the first sound views in regard to the right mutual relation of the civil and the ecclesi-

astical authorities; but he did not succeed in getting these views practically adopted in all the churches which embraced, in the main, his system both of theology and church government. Of all Protestant countries, that in which the scriptural independence of the church was most strenuously maintained in argument, and most fully realized in practice, was Scotland; and that in which the civil power secured the largest share of unwarranted authority in the regulation of ecclesiastical affairs, was England. The ecclesiastical supremacy of the crown in England, the transference at the Reformation to the sovereign of the authority which had formerly been enjoyed by the Pope,—a result which the old Scottish Presbyterians used to denounce as implying a change in the Pope but not in the popedom,—has always been regarded as a peculiarity of the Anglican Church, and has given rise to a good deal of discussion. It may not be uninteresting to consider this subject of the ecclesiastical supremacy of the crown in England,—the relation in which it stands to the place which the civil power ought to hold in the regulation of ecclesiastical affairs,—and some of the practical applications which have been made of it.

The origin in fact of the ecclesiastical supremacy of the Crown in England, was the determination of Henry VIII. to be Pope as well as Sovereign in his own dominions,—to possess and exercise the power in ecclesiastical matters which the Pope had formerly enjoyed; and he certainly succeeded in getting the Parliament to sanction the whole extent of ecclesiastical jurisdiction which he was pleased to claim. Henry was very vain of his ecclesiastical supremacy; and in the year 1545, near the end of his life, he had a medal struck, bearing his likeness, in which he is described, in Hebrew, Greek, and Latin, as “Under Christ, the Supreme Head of the Church of England and Ireland.”\* Attempts have been made (the most full and elaborate is to be found, we believe, in the Fifth Part of Sir Edward Coke’s Reports) to prove that the laws of Henry and Elizabeth in regard to the ecclesiastical supremacy of the Crown were fully warranted by the legal enactments which were in force before the Reformation, directed to

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\* Dr Hickee, in his *Treatises on the Christian Priesthood*, gives a facsimile of this medal from Evelyn’s *Numismata*, and then adds: “I never yet heard any man talk of this medal,

but whomade this observation, namely, that King Henry crucified the church, as Pilate did her Saviour, with the solemnity of three superscriptions.”—Vol. ii. p. 81.

the object of checking the assumptions of the Papal See. But it is by no means clear that this position has been established. The ante-Reformation enactments referred to seem to have been intended rather to guard the liberties and independence of the nation, and of the subjects in general, against Papal encroachments, than to vest anything like ecclesiastical jurisdiction in the Crown. Certainly, no king had ever before claimed the title of Head of the Church, or maintained the principle, that "all manner of jurisdiction, ecclesiastical as well as secular, flows from the Crown." It is common for those who wish to put the best face upon the proceedings of Henry in these matters, and upon the conduct of the Church of England in submitting to them, to allege, that in connection with the famous Act of Submission, the clergy only consented to acknowledge the King's title as Head of the Church, and the supremacy which it implied, thus far, *quantum per Christi legem licet*. But it is certain that we have the express testimony of Archbishop Parker, that, though the clergy struggled hard to have this qualifying clause introduced, as a relief to their consciences, the King would not agree to this, and that they at last consented to its omission.\* In the reign of Queen Mary, the ecclesiastical supremacy of the Crown was abolished, as inconsistent with Popish principles, just as it was abolished by the Scottish Parliament, in 1690, as inconsistent with Presbyterian principles. It was restored, however, in its whole substance, and with the mere omission of the title of Headship, on the accession of Queen Elizabeth; and as so restored it continues to this day to be the recognised law of England.

It is somewhat difficult to form a definite and precise idea of what is really implied in the ecclesiastical supremacy of the Crown, as established by law in England. Lawyers and divines usually represent it in somewhat different aspects. The divines, of course, have usually been anxious to explain it away, that it might seem to be not palpably inconsistent with the rights and liberties of the church of Christ,—although there have not been wanting eminent writers among the clergy, so utterly destitute of all right idea of what a church of Christ is, as to be willing to defend the supremacy in the widest sense which the most Erastian lawyers have assigned to it. The generality of the divines of the

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\* Parker, "De Antiquitate Britannicæ Ecclesiæ," p. 326. Hanoviæ, 1605.



Church of England have objected to our judging of what the church is responsible for in this matter, by the phraseology of Acts of Parliament, or by the dicta of lawyers, and have insisted that we must try her only by what she herself has said upon the subject. We are not sure that justice demands this concession in all its extent, as it seems quite fair to hold the church responsible for the substance at least of all those enactments and regulations, by which the civil power has virtually determined the conditions on which the church holds the temporal privileges which have been conferred upon her, and to which she practically consents by accommodating to them her own procedure in the ordinary administration of ecclesiastical affairs. But as we do not mean to enter into legal investigations, we shall advert chiefly to the church's own declarations upon the subject, viewed in connection, however, with the actual practice which invariably obtains.

The chief of these are to be found in the Thirty-nine Articles, and in the Canons of 1603,—the only canons which are in force in the Church of England. The thirty-seventh Article is this : “The Queen’s Majesty hath the chief power in this realm of England, and other her dominions, unto whom the government of all Estates of this realm, whether they be ecclesiastical or civil, in all causes, doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction. Where we attribute to the Queen’s Majesty the chief government, by which titles we understand the minds of some slanderous folks to be offended, we give not to our Princes the ministering either of God’s Word, or of the Sacraments ; the which thing the Injunctions also lately set forth by Elizabeth our Queen, do most plainly testify ; but that only prerogative which we see to have been given always to all godly princes in Holy Scriptures by God Himself, that is, that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil-doers.” The second of the Canons of 1603 is : “Whosoever shall hereafter affirm that the King’s Majesty hath not the same authority in causes ecclesiastical that the godly kings had among the Jews, and the Christian emperors of the primitive Church ; or impeach any part of his regal supremacy in the said causes restored to the Crown, and by the laws of this realm therein established ; let him be excommunicated *ipso facto*.” The thirty-sixth Canon provides that no person shall be admitted into

any ecclesiastical function, unless he shall subscribe the following article : " That the King's Majesty, under God, is the only supreme governor of this realm, and of all other his Highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes as temporal ; and that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within His Majesty's said realms, dominions, and countries."

It is plain that these statements are exceedingly vague and unsatisfactory, viewed as expositions of what this *chief government* or *supremacy* means, *with the exception of the reference in the second canon to the laws of the realm as determining it* : and, accordingly, there has been a considerable diversity of opinion among the divines of the Church of England as to what is involved in the supremacy, and a great deal of confusion and inconsistency in the grounds on which it has been defended. Some High-churchmen have explained it very much away, so as, while still professing to adhere to the Articles and the Canons, to approach very near to scriptural views of the liberty and independence which the church of Christ ought to enjoy ; while some Low-churchmen have received and defended it in such a sense, as practically to reduce the church to the level of a mere department of the ordinary functions and business of the State.

It cannot be disputed that these declarations recognise, as rightly vested in the Crown, or the civil magistrate, the highest or ultimate jurisdiction, or right of authoritative control, in all ecclesiastical causes, *without any limitation* of the extent or the effect to which he may decide them, as distinguished from the extent or the effect to which he may decide civil causes. The only limitation, or appearance of limitation, imposed upon the ecclesiastical supremacy of the Crown is, that the sovereign is excluded from the administration of God's word and the sacraments ; and this in itself is insufficient to save the claim from the imputation of what is usually regarded and spoken of as Erastianism. Erastus himself, indeed, held that civil magistrates might lawfully preach and administer the sacraments, if their other duties allowed them leisure for this. But few of those who have been called after his name have gone so far. They have usually admitted that there is a distinction of functions between the civil and the ecclesiastical authorities,—that is, that there are some ecclesiastical processes

which the civil magistrate cannot himself perform; while they have usually denied, more or less explicitly, that there is a distinction of governments or jurisdictions,—that is, they have held that in all ecclesiastical causes which require to be judicially or forensically decided, the civil power has supreme and ultimate jurisdiction. The Church of England asserts a distinction of functions between the civil and the ecclesiastical authorities; but she does not assert, and by plain enough implication she denies, as Erastians have usually done, a distinction of governments or jurisdictions. This becomes the more evident when the thirty-seventh Article of the Church of England is compared with the corresponding portion of the Westminster Confession, which is sanctioned by law as the confession of the Church of Scotland, and is generally received by Scottish Presbyterians. The Westminster Confession says,\* that “the civil magistrate may not assume to himself the administration of the word and the sacraments, *or the power of the keys of the kingdom of heaven.*” According to the general usage of divines, “the power of the keys” might have comprehended the administration of the word and sacraments; but when distinguished from this, as it evidently is in the extract we have quoted, it describes the judicial decision of all questions or causes that arise in the ordinary administration of ecclesiastical affairs,—especially such as concern the admission of particular individuals to office or to ordinances in the church; and this the Church of England has not, either in theory or in practice, denied to the civil magistrate.

Presbyterians, while fully admitting the supremacy of the Crown over all *persons*, ecclesiastical as well as civil, in opposition to the Popish principle of the exemption of ecclesiastics, have usually refused to admit that this supremacy extends to all ecclesiastical *causes*, as this in all fair construction implies, unless expressly limited, an ascription of proper jurisdiction to the civil magistrate in the decision of religious questions,—an admission of the superiority of the civil over the ecclesiastical power, inconsistent with the rightful liberty and independence of the church as established by Scripture. High-churchmen, who see and admit that the church of Christ, as a distinct and independent society, has rights and liberties which ought not to be sacrificed or com-

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\* C. xxiii.

promised, usually maintain that they do not ascribe to the Crown, or to any parties acting in its name and by its authority, jurisdiction to the same extent or to the same effect in ecclesiastical as in civil causes; and when called upon to explain what kind or degree of jurisdiction they do ascribe to the Crown, they usually say that the civil power is entitled to exercise jurisdiction in ecclesiastical causes only in a civil way, or with reference to the civil matters that may be involved in or mixed up with them. *This is the only view by which the ascription of any authority to the Crown in ecclesiastical causes can be vindicated from the charge of Erastianism, or of a sacrifice of the scriptural independence of the church.*

The distinction on which it is based we admit to be true and real in itself, though we must contend that, to say the least, it has no countenance from the Articles or Canons. Civil things, questions of property, even though involved in or mixed up with ecclesiastical causes, belong in their own nature to the province of the civil magistrate, and should of course be determined by the ordinary civil tribunals,—except in so far as it has been legally provided, by mutual agreement between the church and the State, that they are to follow the sentences of the ecclesiastical tribunals, pronounced upon the ecclesiastical departments of the causes in which they are involved. There is no necessary violation of the essential independence of the church, in the civil power reserving to its own tribunals the decision of all questions which directly concern the persons and the property of men, *provided* the church is left at full liberty to give effect to her own judgment and decision with respect to what may be properly ecclesiastical in the cause,—that is, to take an illustration from the class of cases that ordinarily occur, provided she is left at full liberty to refuse to admit to offices or ordinances in the church, all whom she regards as unfit or unworthy, in whatever way this refusal may affect questions of property. In this sense, and with these limitations, there is a civil supremacy in ecclesiastical causes, which may be lawfully ascribed to the civil magistrate, without necessarily interfering with the church's liberty and independence. But so far as the Church of England is concerned, it is only Tractarians and High-churchmen who seem to have knowledge enough of these subjects to understand and employ the distinction; and though they thus indicate an approximation to some sound notions of what a church of Christ is, they are unable to show that the dis-

tion has been sanctioned either by church or State, and, of course, they are unable to defend by means of it their own position as ministers of the Church of England.

This distinction, to which the Tractarians are now so fond of having recourse, is in substance the same as that which was employed by the old Presbyterian writers in Scotland and Holland, who defended the independence of the church against the Erastian encroachments of the civil power, when they ascribed to the civil magistrate authority *circa sacra*, but denied to him all jurisdiction *in sacris*. It was on the same ground that the Puritans in Queen Elizabeth's days were generally willing to subscribe the terms of the thirty-seventh Article, though they openly and strenuously objected to the ecclesiastical supremacy of the Crown *as established by law*, and to the constitution of the Church of England generally, as implying an approbation of the legal provisions connected with this subject.\* Even the old Scottish Presbyterians—who were at once more intelligent and more rigid than any other body of men in their time, on all the points involved in the question as to the right relation between the civil and the ecclesiastical authorities—admitted that there was a sense in which a supremacy in ecclesiastical causes might be ascribed to the Crown, although they refused to make a profession in these terms, unless it were accompanied with a formal and recognised explanation of the sense in which they understood them. Some very interesting notices upon this subject are to be found in Wodrow's *History of the Sufferings of the Church of Scotland*.† Upon the restoration of Charles II., some of the Presbyterian ministers were

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\* This appears clearly from the ground taken on both sides in the celebrated controversy between Archbishop Whitgift and Cartwright. That this held true also at a later period, see Hickman's "Apologia pro Ministris Nonconformistis," published in 1664, pp. 141–44. This state of matters gave some little appearance of truth to a statement of a celebrated Jesuit, Becanus, made in the time of James VI. He alleged that there were three parties in England on the subject of the King's ecclesiastical supremacy: 1st, the Episcopalians, who believed it and swore to it; 2d, the Puritans,

who did not believe it, but who swore to it; and, 3d, the Catholics, who neither believed it nor swore to it. "Dissidium Anglicanum de Primatu Regis," 1612, p. 55. There are some very interesting materials, bringing out fully what were the views of the Puritans upon this subject in the reign of Queen Elizabeth, and proving that they were then openly avowed and well known, collected in Bishop Madox's "Vindication of the Church of England," in reply to Neal's "History of the Puritans."—C. iv. pp. 180–295.

† B. i. c. iii. secs. 4 and 5.

willing to take the oath of supremacy, provided they were allowed to accompany it with this explanation, "that the King's sovereignty reacheth all persons and all causes as well ecclesiastic as civil, having them both for its object, *albeit it be in its own nature only civil and extrinsic in regard to causes ecclesiastical.*" This explanation was reckoned by the Privy Council a refusal of the oath; and as the ministers refused to take the oath unless this explanation were accepted, they were deprived and banished. Their conduct on this occasion affords conclusive evidence at once of their intelligent acquaintance with the subject, and of their moderation and conscientiousness; and on these grounds it presents a favourable contrast with that of all the different sections or parties in the Church of England.

We believe it to be impossible to collect from the writings of the divines of the Church of England any precise or definite ideas of the nature and extent of the supremacy in ecclesiastical causes which they ascribe to the Crown. They often write about it, like men who neither know what they say nor whereof they affirm. Many of them present the unpleasant aspect of men who are obliged to defend a point to which they are committed, and which they cannot abandon, but which they are half conscious is really untenable. The vacillation and confusion exhibited by the defenders of the ecclesiastical supremacy of the Crown, have given a great advantage to their opponents in the controversy, whether Presbyterians or Papists. The work of the Jesuit Becanus, mentioned in a preceding note, was directed to the object of exposing this; and he certainly does show that a great deal of confusion and inconsistency was exhibited upon this subject, by the divines who discussed it in the controversy occasioned by the imposition of the oath of supremacy by King James on Romanists after the Gunpowder Plot. No one acquainted with the writings of English divines in defence of the ecclesiastical supremacy of the Crown, will have any hesitation, unless he be one of themselves, in assenting to the accuracy of the description given of them by Calderwood, in his able and learned work, entitled, "*Altare Damascenum*," in which he makes a full and elaborate exposure of the system of church government obtruded by King James upon Scotland after his accession to the throne of England. Calderwood's statement upon the point is this:—"Qui Primatus Regii jura discere voluerit ex Hierarchicorum contra Pontificios scriptis polemicis, nihil certi



reperiet. Nam vel Andabatarum more inter se dimicant, vel de facto potius exempla quorundam Imperatorum a recta norma sæpius deflectentium congerunt, quam de jure argumenta proferunt.\*

The reference in the Canons to the godly kings of Judah and to the first Christian emperors, seems to have been intended both as a proof, generally, of the lawfulness of the ecclesiastical supremacy of the Crown, and as an indication of the extent of authority implied in it. But the materials referred to are quite insufficient for either of these purposes. The interferences in religious matters of the kings of Judah, cannot of themselves afford a satisfactory argument in favour of the ecclesiastical supremacy of the Crown, because, in so far as they seem to involve anything beyond what all but the advocates of Voluntaryism concede to the civil magistrate, they are manifestly occasional, isolated, and peculiar in their character and circumstances; and because, for anything that can be proved to the contrary, they may be explained by the principle, that they took place under special divine guidance and direction, and not in the exercise of the ordinary right of sovereignty—that they are to be referred rather to the prophetic than to the kingly office. And even if it were conceded, for the sake of argument, that they give some countenance to the general idea of an extent of interference on the part of the civil power in religious matters, such as has been regarded by many as Erastian, they would still be of no avail to defend the specific provisions implied in the ecclesiastical supremacy of the Crown, as it is settled by law in England.

It is mere folly to refer to the proceedings of the early Christian emperors as affording either a warrant or a model for the exercise of the supremacy. Their actings carry with them neither legal nor moral weight; they were evidently based upon no principle but that of assuming as much power in church matters as they found it practicable or convenient to exercise; and taken complexly and in the mass, they do not constitute a definite and well-digested system of interference in ecclesiastical affairs. In short, those who object to the ecclesiastical supremacy of the Crown, attach no more weight to the proceedings of the early Christian emperors, than to those which form directly and im-

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\* C. i. p. 27.



mediately the subject of controversy,—namely, the actings and enactments of Henry and his daughter Elizabeth.

There is no possibility, then, of forming any definite conception of the nature and extent of the jurisdiction implied in the ecclesiastical supremacy of the Crown, from a reference to the first standard indicated in the second Canon,—namely, the godly kings among the Jews and the Christian emperors of the primitive church; and it is absolutely necessary to have recourse to another standard which is there also indicated and recognised, where it denounces excommunication against all who “impeach any part of the royal supremacy in ecclesiastical causes, restored to the Crown, and by the laws of this realm therein established.” We are thus warranted and obliged to have recourse to laws, lawyers, and ordinary established practice, though it is fair, at the same time, to have regard to anything which High-church divines may have adduced to explain or modify the conclusions which lawyers may have adopted. We do not remember to have met in any author, whether lawyer or divine, a fuller, a more precise, or a more accurate description of what is implied in the ecclesiastical supremacy of the Crown, than is contained in the following extract from the famous sermon preached by Archbishop Bancroft at Paul’s Cross in 1588 :—“In this supremacy (as established at the Reformation), these principal points were contained,—that the king hath ordinary authority in causes ecclesiastical,—that he is the chiefest in the decision and determination of church causes,—that he hath ordinary authority for making all laws, ceremonies, and constitutions of the church,—that without his authority no such laws, ceremonies, or constitutions, are, or ought to be, of force;—and, lastly, that all appellations, which before were made to Rome, should ever be made hereafter to His Majesty’s Chancery, to be ended and determined, as the manner now is, by Delegates.”\* There can be no reasonable doubt that this remarkable statement of Bancroft’s is a correct representation of what was generally admitted to be involved in the ecclesiastical supremacy of the Crown, by those divines who defended it during the reign of Queen Elizabeth against its Popish and Puritan assailants. It seems very plain, we think, that all this is fully warranted by the laws

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\* *Bibliotheca Scriptorum Ecclesiæ Anglicanæ* 1709, p. 291. This is a reprint in a collected form of “Tracts relating to the government and authority of the Church.” It was evidently published under High-church auspices.

of the land applicable to the subject, and by the ordinary practice which has obtained under their authority. And it is pretty certain that the Canons of 1603, *which were prepared under Bancroft's superintendence*, were intended to direct the sentence of excommunication against all who should impeach any part of *this*.

The main points involved in the ecclesiastical supremacy are these—first, That no synod or convocation professing to represent the church, or to possess ecclesiastical authority, can assemble or transact any business without the sovereign's express permission previously accorded, and that no rules they may adopt, and no decisions they may pronounce, are valid or binding *to any effect or upon any party*, without his subsequent consent or approbation; and, secondly, That the ultimate appeal in ecclesiastical causes, including all questions that may arise about the admission of particular individuals to benefices and to ordinances, though they may involve points of faith,—charges of heresy,—is to the King in Chancery. Both these positions are established by the Act of Submission, the 25th of Henry VIII., c. 19, and by a uniform and consistent course of practice following thereon; and we know of no grounds on which it can be denied with any plausibility, that they form an essential part of the constitution of the Church of England,—that that church has given her consent to these arrangements as a part of the terms or conditions on which she enjoys her emoluments and privileges as an establishment,—and that she is bound to take the responsibility of defending them, and of proving, if she can, that they involve nothing inconsistent with the scriptural rights and liberties of a church of Christ.

An attempt was made by Bishop Atterbury, and some other High-churchmen, in the reign of Queen Anne, to prove that the sovereign was as much bound to call a convocation from time to time, as to call a parliament, and to allow them to proceed to transact business. But they were defeated in argument,—that is, upon the ground of the constitution and law of England,—by Archbishop Wake and the Low-churchmen; and the matter was settled practically by the authority of the Crown, which has never since allowed the convocation to transact any business whatever. The Act of Submission provides that “for lack of justice in the Archbishop's Courts, the party may appeal to the King in Chancery,” who is further authorized to appoint under the great seal commissioners or delegates to decide finally on the appeal. This was the

origin and foundation of the Court of Delegates referred to in the quotation from Archbishop Bancroft, which continued to exercise its functions, as occasion required, till a few years ago (1833), when, by Act of Parliament, they were transferred to a committee of the Privy Council. This involved no change of principle whatever, as the sovereign was entitled to constitute the Court of Delegates, for trying appeals from the Archbishop's Courts, of any persons whom he chose to select. So that, upon the footing of the constitution, the Church of England has no ground to complain of the existing tribunal for deciding finally in all ecclesiastical causes; and no right to refuse obedience to its judgments, unless indeed she choose to face the responsibility of abandoning her emoluments and privileges as an establishment. The case of Mr Gorham came, in the first instance, before the Bishop of Exeter, as judge ordinary of the diocese, who judicially refused to grant him Institution and Induction, on the ground that he was a heretic. It then came, by appeal, before Sir H. J. Fust, *as Official Principal of the Archbishop, the Metropolitan of the Province*, who confirmed the Bishop's sentence. It was then carried by appeal, according to the undoubted provision of the constitution, to the Queen in Chancery; and as a committee of the Privy Council had been legally substituted in room of the Court of Delegates, which had been accustomed to exercise this department of the jurisdiction of the Crown, the case was finally disposed of by that body, who reversed the judgment of the ecclesiastical authorities, and decided, in opposition to the Bishop and to the Archbishop's Official, that Mr Gorham was not a heretic, and that he must have Institution and Induction, which he accordingly obtained.

This, then, being the authority which the civil power possesses and exercises over the Church of England,—this being what the church has accepted and consented to,—the great question is, Has the State, in this matter, usurped a power or authority which does not rightfully belong to it? Has the Church of England become a consenting party to an arrangement which involves an unwarrantable compromise of her independence—of her rights and liberties as a church of Christ? In accordance with the principles which have been always held by Scottish Presbyterians, we can have no hesitation in answering these questions in the affirmative. We are persuaded, on these principles, that the authority thus conferred by the Legislature upon the Crown, is an encroach-

ment of the State upon the church's province, and that the church, in consenting to it, is guilty of a dereliction of duty, and abandons rights and liberties which, upon scriptural principles, she was bound to have maintained. The opposite view can be defended only upon the principle of the superiority, in point of jurisdiction, of the civil power over the ecclesiastical,—a principle which has been generally regarded by the churches of Christ as an Erastian extreme, opposite to that which is held by the Church of Rome. The truth or falsehood of both these extremes depends essentially upon the settlement of this question—Whether the church and the State be two distinct independent societies, having distinct ends and objects, and distinct constitutions and laws for the regulation of their affairs? If this question be answered in the affirmative, as it plainly should be, then any superiority in point of jurisdiction of the one over the other is excluded, unless direct and specific proof of a peculiarly clear and conclusive kind can be adduced from Scripture, in support of the alleged superiority. Now no proof can be adduced from Scripture, or from any other quarter, in support of the alleged right of the church to exercise proper authority, direct or indirect, in temporal matters,—or of the alleged right of the State to exercise proper authority, direct or indirect, in ecclesiastical matters. The church and the State are two distinct independent societies; and each has its own province. If they enter into a friendly union or alliance for mutual assistance and co-operation, they may arrange the terms and conditions of this alliance according to their own convictions of what is right. But they should do this as two co-equal independent powers, having no authority over each other. And after they have done this, their original and essential independence should be still asserted and maintained, to be acted upon if any unwarrantable encroachments should be attempted by either of them.

It is true, indeed, that there is no unwarrantable usurpation on the part of the civil power, when it gives the sanction of law, with a view to civil and legal effects, to what may have been agreed on between the parties, respecting the faith, government, and worship of the church; and that there is no sacrifice of the church's independence in her pledging herself to adhere to the faith, government, and worship which have been agreed upon, and which she believes to be scriptural, so as to be tied up from making any change without the consent of the State,—except, of

course, in the way of falling back upon her original and essential independence, and renouncing any advantages she may have derived from her State connection. But still the church and the State have their distinct provinces, and each is supreme and independent in its own province. And there is no great difficulty—no such difficulty as is often alleged by those who are afraid to think and speak with clearness and discrimination upon this subject,—in settling the boundaries of these provinces. The province of the State,—the sphere in which the civil power is entitled to exercise proper authority, *so as to impose a valid obligation to obedience*,—comprehends only the persons and the property of men, and does not comprehend the church of Christ. Civil rulers may be, we believe they are, bound to employ their legitimate authority in civil things—their lawful authority over the persons and the property of men—their right to make national laws and to regulate national measures, in such a way as to promote, so far as they can, the welfare of religion, and the prosperity of the church of Christ. But this does not imply or confer any proper authority,—any right of jurisdiction,—in religious matters, or within the church's province, and does not warrant them to interfere authoritatively in the regulation of ecclesiastical affairs. The province of the church comprehends all those processes which may be said to constitute the ordinary necessary business of a church of Christ, and which ought to be going on wherever a church of Christ exists and is in full operation. Over these processes the civil power has no jurisdiction, or right of authoritative control. The church is bound to conduct them all according to the revealed will of her Master, and her own conscientious convictions, and cannot lawfully be a consenting party to any arrangements which prevent her from doing this.

A fair application of these plain principles will enable us to judge, without much difficulty, in each case of a union or alliance subsisting between church and State, whether the respective rights and functions of the two parties have been rightly adjusted—whether the line has been accurately drawn and maintained between the civil and the ecclesiastical provinces. The union between Church and State in Scotland, as settled at the Revolution, and guaranteed by the Treaty of Union, was in substantial accordance with these sound principles, and continued to be so until the recent interferences of the civil power, which produced

the Disruption, and led to the formation of the Free Church. But the matter was not accurately adjusted in England. There, we think, the civil power has plainly encroached upon the proper province of the church, and interfered with her rightful independence. Henry VIII. was determined to be head of the church as well as sovereign of the State; and to this hour his wishes, and his success in gratifying them, determine the relation subsisting between the civil and ecclesiastical authorities. It seems plainly necessary to the liberty and independence of a church, that it shall have power to meet and deliberate about the execution of its own appropriate functions,—the performance of its own necessary business. And this general principle applies universally to a church, whether it be regarded as consisting of a single congregation or of many congregations associated together; and, if of many, whether they are associated under a Presbyterian or under a Prelatic government. A church may have to submit to the want of this right of meeting and deliberating, when subjected to persecution, and oppressed by open violence; but cannot lawfully become a consenting party to this deprivation, as she thereby renounces a right which her Master has conferred upon her, and incapacitates herself for the discharge of duties which He has imposed upon her. Any power which may attempt to deprive a church of this right, she should regard as a tyrant and oppressor; and if emoluments and advantages are offered in compensation, she should look upon them as the price of her liberty. This right of meeting to deliberate and decide upon ecclesiastical questions formed one of the chief subjects of contention between the civil and the ecclesiastical authorities in Scotland, when King James was labouring to reduce the church to a state of subjection to civil control; and the church never ceased to strive until she obtained the full sanction of the Legislature to the right of the General Assembly to meet every year for disposing freely of all ecclesiastical affairs. The Protestant Church of England has never possessed, and indeed can scarcely be said to have ever claimed, a right to meet and decide on ecclesiastical subjects. No body acting in her name, and entitled to represent her, has been allowed to assemble and act for more than a century; and this is a state of matters altogether unworthy of a church of Christ, and implying that her independence as such, or the rights and liberties properly attaching to that character, have been taken away from her.



It is of course to be presumed, and is, perhaps, true in fact, that the Church of England conscientiously approved of the arrangements in regard to doctrine, government, and worship, which have been sanctioned by the Legislature, and that she would never have submitted to have had *these* forced upon her against her will, or unless she had really believed them to be in accordance with the sacred Scriptures. But the preaching of the word, the public worship of God, and the administration of sacraments, do not constitute the whole of the functions of a church of Christ,—do not exhaust the processes which must be going on wherever a church is in full operation. In addition to all these, there still remains the administration of the ordinary government of the church as a distinct society,—including especially the decision of controversies that may arise on religious subjects, and the determination of any questions that may be raised about the admission of particular individuals to the exercise of ecclesiastical functions, or to the enjoyment of ecclesiastical privileges,—to the cure of souls, or to the sacraments. The process of admitting men individually to the cure of souls and to the sacraments, or excluding them as occasion may require, must be ever going on where a church of Christ is in operation. And the question that is raised upon this point is,—Should these processes be *finally* determined by the church herself, or by the ecclesiastical authorities, according to their own conscientious judgment of what is right and scriptural? or has the civil power a right of interfering authoritatively in the determination of them; and may the ecclesiastical authorities sanction the exercise of this right, and submit to decisions upon such questions pronounced by civil functionaries, acting in the name of the sovereign, even when these decisions are in their judgment erroneous? If the civil magistrate has no proper jurisdiction in ecclesiastical matters, then decisions upon such questions pronounced by civil functionaries, acting in the Queen's name, proceed *a non habente potestatem*,—and of course have no power to bind the conscience, and are not, upon general principles, entitled to obedience. The church, by acknowledging this right in the civil power, sanctions an unlawful intrusion into her own province, and consents to abandon the liberty or independence which her Master has conferred upon her. So the matter stands upon the footing of the scriptural principles by which this subject ought to be regulated, but so it does



not stand upon the footing of the constitution of the Church of England.

By the civil or legal constitution of the Church of Scotland, before the occurrence of the recent proceedings which led to the Disruption, the State expressly recognised the General Assembly,—the supreme ecclesiastical tribunal,—as entitled to adjudicate *finally* on all such questions ; while the constitution of the Church of England deprives the ecclesiastical authorities of a right of final judgment, and authorizes an appeal for ultimate decision to the Queen in Chancery. In the Gorham case, the last decision pronounced by an ecclesiastical tribunal was that of Sir H. J. Fust, the official principal of the Archbishop ; and even this was the decision of an ecclesiastical tribunal, that of the Archbishop of the province, only by a sort of fiction of law. But after *all* the authorities who could be called in any sense *ecclesiastical* had pronounced upon it, it was taken for *final* judgment to a tribunal purely and palpably civil, constituted by the Queen, acting in her name, and exercising a jurisdiction which by statute belongs to the sovereign. And the effect of this final decision by a purely civil tribunal, was to invest Mr Gorham not only with the benefice, but with the spiritual office,—with the cure of souls,—though *all* the ecclesiastical authorities who had adjudicated upon his case had pronounced him a heretic.

On these grounds, we hold that the ecclesiastical supremacy of the Crown, as established by law in England, is an unwarrantable usurpation of the civil over the ecclesiastical power ; and is inconsistent with the independent right of self-government which the church of Christ, and every branch or section of it, ought to enjoy, and is bound, so far as it can, to maintain. And when we attend to the grounds on which it has been defended, we can discover little else but obscurity and confusion. It has been the great misfortune of the Church of England, that its constitution and arrangements,—except in so far as concerns the fundamentals of its public profession as a Christian church, on which, of course, no honest men could submit to a compromise,—have to some extent owed their origin to adventitious circumstances and extraneous influences, rather than to a deliberate and impartial examination of the intrinsic merits of the case, and of the principles by which it ought to be regulated. The Liturgy, it is understood, was to some extent regulated, as to its character and contents, by a desire to please Romanists, and to retain them in communion ; and

this object is said to have been effected, during a few years, in the beginning of Elizabeth's reign. But this temporary and unworthy advantage has been far more than compensated by the mischief of a Romanizing faction arising at different periods within her pale, and finding in this same Liturgy some plausible countenance for their fundamental principles. There are not a few provisions which enter into the constitution of the Church of England, that were originally rather submitted to, than approved of, by the church herself, or by those who represented her in her ecclesiastical character. It is well known that the most eminent and influential churchmen of the early part of Elizabeth's reign desired a more thorough reformation, especially in the matter of ceremonies, than they were able to effect; and that if they had been allowed to regulate the church's constitution in the way they thought most accordant with Scripture and reason, some of those things would have been omitted which afterwards contributed largely to produce the Puritan controversy, and which, when attacked, subsequent generations of ecclesiastics have defended, as if they were most excellent and important in themselves,—as if they were the church's palladium. The case is somewhat similar in regard to the ecclesiastical supremacy of the Crown. Henry and Elizabeth claimed and assumed it. It was very congenial to the minds of politicians and lawyers, though not likely to be quite so palatable to ecclesiastics. But the church submitted and consented to it; and her divines have therefore been obliged, though in many cases with evident signs of discomfort and reluctance, to defend it as well as they could.

The course that has been pursued, in explaining and defending this topic, has been determined chiefly by the comparative soundness and accuracy of the conceptions entertained by different individuals and parties, as to the constitution and character of the church, as a distinct society, of divine institution, subject to the authority of Christ, and bound to be regulated in all things by the standard of His word. Those of them who identify the church with its benefices,—who regard the church merely as a moral police, or as a department of the ordinary business of the State directed to the promotion of the peace and general welfare of the community,—find, of course, in mere Acts of Parliament sufficient warrant for all that they need to maintain, and never think of looking higher. The nearer their views have approximated to

scriptural conceptions of what a church of Christ is and should be, the more anxious have they been to explain away the ecclesiastical supremacy of the Crown, and the greater difficulty have they felt in defending it as it is by law established. The High-churchmen usually contend that the "chief government" of the Crown in ecclesiastical causes is a mere civil supremacy, bearing only on what is civil in these causes,—on their temporal elements and consequences; and vindicate this on the principle, that the civil power is entitled to assume a general inspection, superintendence, and control of all things that take place within its dominions, with the view of protecting men's civil rights, and preventing the frustration of the great ends of civil society. This general principle is undoubtedly a sound one; and in this sense, and to this extent, it cannot be disputed, that not only the church of Christ as a society, but even the conscience of individuals, is subject to the superintendence and control of the supreme civil power. But this principle, though true and sound in itself, has evidently no real application to the ecclesiastical supremacy of the Crown, as exhibited both by law and practice in England. That supremacy manifestly involves the assumption and exercise of proper jurisdiction, or authoritative control, not merely *circa sacra* but *in sacris*,—the imposition of a restraint upon the essential liberty and independence of the church as a distinct society, having the power of self-government, which includes the right of finally and fully disposing of all questions, the determination of which forms an integral part of the church's ordinary necessary business. Accordingly, very few Church-of-England men have ventured explicitly and unequivocally to take this ground of defence; for though it is right in itself, and if tenable by them, would leave room for professing scriptural views with respect to the church's independence, it is plainly precluded by an impartial investigation of the actual constitution of the Church of England. The Low-churchmen, who usually admit that the ecclesiastical supremacy of the Crown does not involve the exercise of proper ecclesiastical jurisdiction, are equally perplexed and confused in their attempts to defend it; because, though their position is plainly right when tried by the standard of the constitution of the Church of England, it is manifestly wrong when tried by the standard of scriptural views of what a church of Christ is, and of what are the principles by which the administration of its affairs ought to be regulated.

In consequence of these difficulties, and cross-currents of thought and influence, the writings of most Anglican divines upon this subject are miserably defective in laying down consistent and definite principles, and commonly exhibit a mass of vagueness and evasion, of obscurity and confusion. We scarcely know of any eminent divine of the Church of England who has fairly and manfully faced the task of giving a formal and detailed exposition of the relation that ought to subsist between the church and the State, with a defence of its different provisions, except Warburton, in his "Alliance;" and here, certainly, the exception confirms the rule. Warburton fully admits the original and natural independence of the two societies, the church and the State; but he contends that, when they enter into an alliance with each other, the independence of the church must be sacrificed. He has not proved that the formation of an alliance between them necessarily requires this; and he has scarcely attempted to prove, that it is lawful for the State to reduce the church to subjection, or for the church to consent to this. The second of these points ought to have been proved as well as the first; because, though it were established that an alliance between Church and State necessarily involved the sacrifice of the church's original and natural independence, yet, unless it were further shown that this sacrifice was lawful, the only conclusion resulting would be, that no alliance could be legitimately formed. But having got over this great step of the sacrifice of the church's independence, to his own satisfaction, Warburton proceeds to deduce in detail, professedly upon theoretical and abstract grounds, the terms or conditions on which the alliance ought to be formed; and he brings out, as the result of his abstract speculations about what is right and good, just the very terms on which the alliance is actually formed between church and State in England,—such as the appointment of bishops and other dignitaries by the Crown, the prevention or restraint of ecclesiastical synods, and the ultimate decision, upon appeal, of ecclesiastical causes by a civil tribunal. And then he holds it up as a most striking proof of the excellence of the constitution of the Church of England, that it should so *wonderfully* coincide with what he had demonstrated by *pure abstract reasoning* to be the right adjustment; while it is pretty plain that, during the whole course of his professedly abstract argumentation, he had the Church of England in his eye, and was predetermined to bring out a vindication of its constitution!

Most of the other Anglican divines, in discussing this subject, just take things as they find them, and endeavour to put the best face they can upon them, varying in the accuracy and fairness with which they bring out what the ecclesiastical supremacy of the Crown really involves, and in the boldness and manliness with which they defend it, according as they have, or have not, something like scriptural views of what a church of Christ is, and of what are the principles, the standard, and the rules, by which its affairs ought to be regulated.

In the reign of Queen Elizabeth the Episcopalian divines had to defend the ecclesiastical supremacy against the assaults both of Papists and Puritans,—Horne and Bilson, bishops of Winchester, and Nowell, dean of St Paul's, being the chief opponents of the former class,—and Whitgift and Hooker of the latter. The Puritan cause was ably defended at this period by Cartwright and Travers. The next era in this controversy in England was the discussion occasioned by the imposition of the oath of supremacy on Papists after the Gunpowder Plot. This discussion turned chiefly upon the supremacy of the Pope, especially in its bearing upon temporal things, but it took in also the supremacy of the Crown; and the writings of Bellarmine and Becanus on the one side, and of King James and Bishop Andrews on the other, contain a good deal of interesting matter. When High-church views of the relation between church and State began to prevail under Laud's influence, they were zealously attacked by Prynne, the celebrated anti-Episcopalian lawyer, who conducted the opposition upon the lowest Erastian grounds, and thus became involved in controversy also with his Presbyterian friends. It was at this time, and in consequence of the peculiar form which the controversy assumed, as conducted between Prynne and the faction of Laud, that Bishop Sanderson wrote his work entitled "Episcopacy as established by law in England not prejudicial to royal power." He has certainly established his position, but it was scarcely worth while to spend so much labour in demonstrating a truism. There was not much discussion upon this subject between the Restoration and the Revolution. One work of considerable value, however, was published during this period, in 1685—"Of the subject of Church power," by the Rev. Simon Lowth. This work is written in a very uncouth style, but it contains a good deal of important matter in opposition to the Erastianism of Grotius,

Hobbes, and Selden, and in defence of the opinions and position of Anglican High-churchmen. It was followed by a valuable supplement, published in 1716, entitled "The independent power of the Church not Romish, but primitive and Catholic."

But perhaps the most important and interesting department of this controversy in England, was that which was connected with the discussion of the views and position of the Nonjurors after the Revolution. The leading Nonjurors, in maintaining the unlawfulness of the deprivation by Act of Parliament of the bishops who refused to take the oaths to William and Mary, put forth sounder views of the independence of the church than had ever before been held by Church of England divines—views in substance the same as those which have been maintained by the Tractarians in our own day. The principal works of the Nonjurors in which these opinions were advocated, are "Leslie's case of the Regale and the Pontificate," published in 1700; "Dodwell's Parænesis de Nupero Schismate Anglicano," in 1704; "Hickes's Treatises on the Christian Priesthood, and the Dignity of the Episcopal order," in 1707, and his collection of Papers on "The Constitution of the Catholic Church," in 1716.

It was a very common thing for the defenders of the ecclesiastical supremacy of the Crown, especially in the reign of Elizabeth, to endeavour to supply their lack of satisfactory argument upon the proper merits of the case, by a liberal use of the *argumentum ad invidiam*,—in the way of enlarging upon the fact of the concurrence of the Papists and the Puritans or Presbyterians upon this subject, and holding up this fact as affording a strong presumption that the opposition made to the supremacy was unfounded. As it has continued down to the present day to be a favourite expedient of the opponents of the independent authority of the church within its own province, or its power of self-government, to represent this doctrine as Popish, and as the history of Tractarianism may seem to give some countenance to the allegation, it may be proper to make a few observations upon it.

It is quite true, that in so far as concerns mere opposition to the ecclesiastical supremacy of the Crown as established by law in England, or a mere negation of the general principle on which it is based,—namely, that the civil magistrate is entitled to exercise jurisdiction or authoritative control in ecclesiastical matters,—Papists and Presbyterians are of one mind. The grounds, too,



on which they rest their opposition, are, of course, in substance the same,—namely these—First, that the sacred Scriptures afford no sanction to the assumption of such jurisdiction by the civil power; and, secondly, that the scriptural views of the functions, privileges, and duties of the Christian church,—of its relation to Christ and to His word,—preclude it. Thus far Presbyterians agree with Papists, but no further; and in agreeing with them thus far, they are supported by the concurrence of the primitive church, the leading Reformers, and all the existing churches of Christ throughout the world, except those which, having tamely yielded to civil control, are called upon to try to defend the lawfulness of their actual position. The Church of Rome has retained a great scriptural truth in asserting the independence of the church of Christ of all authoritative civil control, and her retention of this truth affords no reason why other churches should abandon it. It is true that the Church of Rome has grossly corrupted this doctrine, as she has corrupted every other portion of scriptural truth the profession of which she has retained. While Romish writers often talk, in conformity with primitive usage, of the independence of the church upon the civil power, as if they meant merely to assert the truth of the church's right of self-government, the real doctrine of the Church of Rome upon the subject is, as we have explained, *the superiority of the church over the State*. From this doctrine she has deduced these important practical conclusions—First, that the church has jurisdiction, at least indirectly, and *in ordine ad spiritualia*, in civil affairs; and, secondly, that ecclesiastical persons should be exempted from the jurisdiction of the ordinary State tribunals even in civil and criminal matters; just as the Erastian defenders of the royal supremacy have deduced from *their* principle of the superiority of the civil over the ecclesiastical, the conclusions, First, that the Crown is the final judge in the decision of ecclesiastical causes; and, secondly, that the sovereign, being the head of the church, cannot be lawfully excommunicated. The true scriptural Presbyterian doctrine of the mutual independence of the church and the State as two distinct societies, and the principle involved in this doctrine,—namely, that of a co-ordination of powers with a mutual subordination of persons,—not only afford no countenance to the distinctive tenets and practices of the Church of Rome, but positively exclude both Popish and



Erastian extremes. It is then an entire misrepresentation to hold up the Presbyterian doctrine, as to the relation that ought to subsist between the civil and the ecclesiastical authorities, as identical with that of the Church of Rome. The Presbyterian doctrine not only does not involve, but it does not admit of, the assumption of any control by the church over the State; and it not only does not countenance, but it precludes, the exemption of any ecclesiastical persons or of any civil questions from the jurisdiction of the civil power. Nations and States have no ground to be jealous or afraid of Presbyterian, but much of Popish, principles on this subject.

Indeed, we do not know that a more ample and emphatic testimony has ever been rendered to the principle of the supremacy of the civil power in all civil matters, than was given by those who now form the Free Church of Scotland, at the Disruption of the Scottish Establishment in 1843. Their conduct upon that occasion proved, that they held that principle thoroughly and honestly, in all its extent and with conscientious conviction, and that they were anxious to pay to it the utmost deference. The peculiarity in their position which imparted this character to their testimony was this: that they believed and maintained,—undertook to prove and did prove,—that the interferences of the civil courts in ecclesiastical matters, to which they could not render obedience, were violations of the constitution and law of Scotland, infractions of the Revolution Settlement and of the Treaty of Union,—that not the church, but the State, had violated the established conditions of the union between them,—and that of course the church still had a moral right, upon constitutional and legal grounds, to her civil privileges and emoluments, notwithstanding all she had done. And yet, in these circumstances, with this opinion honestly held, openly maintained, and conclusively proved, they, when refused redress by the Legislature, deferred to the supremacy of the existing civil power in civil matters, by voluntarily resigning all the civil privileges and emoluments which had been conferred upon them.

Not only, however, is there a clear and broad line of demarcation between the Presbyterian and Popish systems as to the relation that ought to subsist between the civil and the ecclesiastical authorities; but the independence of the church, as it has been usually asserted by English High-churchmen, is a very different

thing from what Presbyterians have ever contended for. High-churchmen are, of course, deeply tainted with the Popish element,—with the sacramental and the hierarchical principles,—while they are hampered on the other side by their acknowledgment of the ecclesiastical supremacy of the Crown. These opposing influences have usually communicated a good deal of confusion and inconsistency to their expositions of this subject. Still it must be admitted, that some of the leading Nonjurors did bring out with considerable fulness and clearness the doctrine of the independence of the church, as involving a denial of all civil jurisdiction in ecclesiastical matters. They had, like their modern representatives, the Tractarians, a bitter hatred of everything Calvinistic and Presbyterian, but they admitted that on this subject they adopted the Presbyterian principle. Dr Hicke says: “What I have written here on the principle of independency for the church’s rights, is agreeable to what all parties in religion profess and practise, particularly in our neighbouring kingdom (Scotland); where, though they are right in the principle, they have no right to apply it against the secular powers *for want of Succession and Mission, without which they have neither priesthood nor church. But, God be praised, we have both,* and it is *their* sacred and independent rights we defend against the invasions of the lay power.”\* This statement, while asserting a general identity of principle between High-church and Presbyterian views of the independence of the church, indicates also, plainly enough, that there is a difference, and what it is. According to High-church views, the independence of the church is a right that belongs only to the *clergy*, and belongs to them in virtue of their proper priesthood, derived from apostolic succession, whereas every notion and claim of this sort Presbyterians utterly repudiate. The High-church principle is the exclusive and lordly domination of a privileged caste, claiming control over the conscience, in virtue of a divine authority communicated to them to give or withhold the necessary means of eternal life. These are the views of church power, and of the priesthood of the clergy on which it is based, that are held by High-churchmen; and they are plainly Popish in their whole substance and foundation, in their whole spirit and tendency. They are explicitly asserted and fully

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\* “Constitution of the Catholic Church,” p. 128.

developed in the writings of the leading Nonjurors,—Leslie, Dodwell, and Hickes,—and they have been distinctly taught by the Tractarians of our own day.

The Presbyterian principle, on the contrary, is merely a reasonable power of self-government vested in the church, and in every section or branch of the church, as a distinct society, limited or conditioned by the necessity of scriptural warrant for all that is done or imposed, and by the right of private judgment, which is freely conceded to all, to be exercised upon their own responsibility. Presbyterians assign important rights, with reference to the exercise of the power of self-government, to all the members of the society, especially the right of electing all their own office-bearers; and though they think that the ordinary administration of the affairs of the church is vested in the office-bearers, they do not restrict this right of ruling to the clergy, but extend it equally to the elders, who, though not technically laymen, because ordained to their office, are engaged in all the ordinary duties and occupations of secular life, and fairly represent the society at large. They do not ascribe to ecclesiastical office-bearers, whether clergymen or elders, any priestly function or authority whatever. High-church views as to the nature of the priestly office, and the functions and authority which belong to it, amount to a virtual claim on behalf of the clergy to infallibility, and to a power to save or to condemn. They thus effectually provide for trampling down the right of private judgment, under the crushing weight of church authority. On all these points, the independence of the church, as advocated by High-churchmen, differs essentially from the same principle as held by Presbyterians, though in both cases it excludes the jurisdiction of the civil power. It should also, in addition, be remembered, that as the doctrine of High-churchmen about the independence of the church, as based upon and deduced from the priestly functions and authority of the clergy, is evidently derived from the Church of Rome, so they have sometimes shown a considerable leaning towards the Popish principles of the jurisdiction of the church in temporal matters, and the exemption of ecclesiastics from ordinary civil control, though they have scarcely ventured to bring out these notions openly and formally.

The Tractarians of our day have embraced and promulgated the substance of the views held by the old Nonjurors upon this

subject. Soon after the decision of the Gorham case by a Committee of the Privy Council, above eighteen hundred clergymen of the Church of England subscribed a solemn protest condemning the judgment, not only as erroneous, but as incompetent, because involving the exercise of civil authority in determining an ecclesiastical question. Dr Pusey's work on "The Royal Supremacy" is intended to defend this important step, though it contains scarcely any general argument, and is filled with "ancient precedents,"—that is, the actual interferences in ecclesiastical matters of "the Christian Emperors of the primitive church" referred to in the second Canon. These High-churchmen have not yet given any indication of any practical steps by which they mean to follow up their protest; and we certainly do not expect much from them, or, indeed, from any party in the Church of England, in the way of energetic and combined action upon grounds of public principle.

We do not meddle with the soundness of the decision in the Gorham case with reference to its own proper merits,—that is, with the question whether or not Mr Gorham had taught any such error as ought to have shut him out from a benefice and a cure of souls in the Church of England. But there can, we think, be no doubt that the decision was pronounced by a competent authority,—that is, by the tribunal which, according to the recognised constitution of the Church of England, was entitled to pronounce it. We agree with Dr Pusey and his friends in thinking it to be wrong in itself, and degrading to the church, that a civil tribunal should possess the supreme or ultimate jurisdiction in a case of this sort. But while this state of matters is wrong scripturally, it is certainly right according to the constitution of the Church of England. We have referred to the proof of this already, and need not now repeat it. We cannot see that there is any room for a difference of opinion upon this point. The church must have known that this provision as to the ultimate disposal of ecclesiastical causes was a part of her legal constitution—a term or condition on which she enjoyed the privileges and emoluments which, as an Establishment, she derived from the State. She must be held to have consented to this arrangement, and so must every clergyman who is in the enjoyment of a benefice. If the Church of England should ever come to entertain scriptural views upon the subject of the constitution of

a church of Christ, and the relation that ought to subsist between the Church and the State, she would see at once the unwarrantableness of the legal arrangements to which she has hitherto consented; she would forthwith go to the civil power and ask that these arrangements should be altered, and brought into conformity with sound principles; and if she failed in this, she would have no alternative but to renounce her privileges and emoluments as an Establishment. As to the individual clergymen who have protested against the decision of the Privy Council as incompetent, it is quite plain that, by the second Canon, they have incurred the penalty of excommunication *ipso facto*. We do not know how these sentences of excommunication *ipso facto*, which the Canons deal about so liberally, are to be enforced; but as there can be no doubt that in this case the penalty has been incurred, by "impeaching a part of the royal supremacy as established by the laws of the realm," surely the two Archbishops could, and should, do something for carrying the sentence into effect; and they might in this way, perhaps, if they had courage enough, get quit of these men, who on other and higher grounds are manifestly unworthy to hold office in any Protestant church.

There is an important difference between the position of the clergy of the Church of England, in reference to the Gorham case, and that of those who formed the majority of the Church of Scotland, and who now form the Free Church, in reference to their collision with the civil courts. It is this: that every clergyman of the Church of England knew, or ought to have known, when he entered it, that the established constitutional provision for deciding finally in ecclesiastical causes, after they had been tried by the Bishop and the Archbishop, was by an appeal to the Queen in Chancery; whereas the interferences of the civil courts, which led to the disruption of the Scottish Establishment, were unauthorized, unprecedented, unexpected,—such as the church had no ground to anticipate from anything contained in any statute,—from any dictum of any institutional writer,—or from anything implied in any decision which had ever before been pronounced by the civil courts in similar questions. When the Bishop of Exeter pronounced a sentence refusing to institute Mr Gorham on the ground of alleged heresy, he knew quite well that the established provision for ultimately deciding this question, contained in the constitution—to which he must be held in all fair

construction to have consented, and under which he enjoyed his status and emoluments as a prelate of the Establishment,—was an appeal to the Privy Council. Upon this ground, he and all other clergymen of the Established Church are precluded, in common honesty, from complaining of the sentence as *incompetent*,—however erroneous and dangerous they may reckon it ;—and have no fair alternative but submission, unless, indeed, they choose to renounce the civil privileges and emoluments of a constitution to which they have consented, but to which they can no longer render obedience. It is of some importance to notice this difference between the position of the Church of England and that of the Church of Scotland previous to the Disruption ; for it affords materials which warrant a condemnation of those ministers of the Church of England who protest against the decision of the Privy Council as incompetent, and a vindication of the Church of Scotland in refusing, even in her character as an Establishment, to submit to the decisions of the Court of Session in ecclesiastical causes.

## CHAPTER VII.

### RELATION BETWEEN CHURCH AND STATE.\*

**THE** relation that ought to subsist between the State and the church, or between the civil and the ecclesiastical authorities, as representing and regulating them, has been a subject of controversial discussion since the time of the Emperor Constantine; and there are some important questions involved in the discussion of it, which still divide men whose opinions are entitled to the highest deference and respect. These differences are not merely theoretical, but have produced important practical results in all ages, and even in our own day; and are likely to continue to exert an important influence upon the actual condition of the world. The subject is now, much more than in any former age, forced upon the attention of statesmen, as involving practical questions which they are called upon to solve, and the right solution of these questions would introduce very important changes. All the erroneous views and practices upon this subject which have at any time appeared in the world are still to be found in it. Even persecution for conscience sake is not yet wholly banished from civilised countries, or confined to those in which the Church of Rome is predominant; and in all Protestant countries the civil powers have usurped, and the established churches have consented to, an exercise of authoritative control by the State, inconsistent with scriptural views of the functions of the civil government, and with the rights and liberties of the church of Christ.

We assume at present that the duties and functions, the rights and privileges, of the State and the church, or of the civil and the ecclesiastical authorities, are to be determined by the word of God, in so far as it contains materials bearing upon these points. The church is a supernatural institution, having direct relation exclusively to men's spiritual and eternal interests; and we can know

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\* A lecture delivered by Dr Cunningham at the opening of the Session of the New College, in November 1851, and not hitherto published (Edrs.)



nothing certainly about it except from the supernatural revelation which God has given us in His word. It is otherwise with the State or civil government. This is intended to bear, at least principally and most directly, upon the temporal welfare of men, and ought to be regulated chiefly by a regard to the principles of natural reason. God has not prescribed His written word as the only rule to be followed by nations and their rulers in establishing and administering civil government ; and He has not given them in His word sufficient materials to guide them authoritatively in determining all the questions which, with reference to this matter, they may be called upon to entertain and dispose of. But it is not on this account the less true, that there are materials in the word of God which do bear upon the functions and duties of nations and their rulers, and that these relevant materials ought to be applied by them as authoritative in regulating their conduct. *Some* things, then, respecting the functions and duties of nations and their rulers, are to be learned from Scripture ; and *everything* that determines the obligations and procedure of churches, and of those who represent and regulate them, is to be ascertained from that source. At present, however, we have to do, not with the whole of what is taught or prescribed in Scripture concerning the State and the Church, or concerning civil and ecclesiastical government, but only with so much of it as bears upon the relation that ought to subsist between them ; and, even under this head, chiefly with what relates to the peculiar testimony which the Free Church of Scotland has been called upon to bear.

The substance of what is generally regarded as taught in Scripture with respect to civil government, including the relative duties of rulers and subjects, is set forth in the Confessions of the Reformed churches, and in the old systems of theology, under the head, "*De Magistratu.*" By the magistrate, or the civil magistrate, in this connection, is of course meant the party, whether one or many, possessed of the supreme civil power, and entitled to frame the laws, and to regulate ultimately the whole proceedings of a nation. It is only this supreme legislative power, of whatever parties it may be composed, that comes directly and immediately into contact with the word of God as its rule or standard ; all inferior authorities, even the highest executive and judicial functionaries, being bound to regulate their procedure by the existing constitution and laws of the nation ; by the provisions which the

civil magistrate—that is, the nation acting by its highest organ—has established. About the duties and functions of nations, or of the civil magistrate as the party entitled to enact national laws, and to regulate national affairs,—in other words, about the origin, the objects, and ends of civil government and civil magistracy, the word of God gives us some information ; and by this information, carefully investigated and accurately ascertained, nations and their rulers ought to be guided. The chief topics under this general head, which have been discussed in relation to our present subject, are these—first, What is implied in civil government being, as it is generally admitted to be, an ordinance of God ? and, secondly, Whether the promotion of religion, or the advancement of the spiritual welfare of the community, be one of its direct and proper ends ?

These questions have been largely discussed, especially in our own day, in connection with the subject of the lawfulness and practicability of some union or friendly alliance between Church and State,—the warrantableness and the obligation of the civil magistrate aiming, in the execution of the functions of his office, at the prosperity of the church of Christ and the welfare of true religion. If civil government be an ordinance of God in some higher and more definite sense than merely this, that it is the natural appropriate result of the constitution which God has given to men, and of the ordinary providence which He exercises over them, as Scripture seems plainly enough to intimate, then this decidedly favours the idea that the State, acting through its organs, should recognise its responsibility to God, and should co-operate with the Church in promoting His cause, and advancing the welfare of religion. If the promotion of religion,—the advancement of the spiritual welfare of the community,—be one of the proper objects or ends of civil government, then this at once goes far to establish the truth of what has been called the Establishment principle, as opposed to the Voluntary principle : for, upon this assumption, it seems impossible to dispute that civil rulers, in the execution of their functions, are called upon to aim at the promotion of true religion according to the word of God ; and, with this view, to enter into a friendly union or alliance with the church of Christ ;—unless, indeed, upon the ground that the constitution and functions of the church preclude this.

It is important, however, to notice that, in order to uphold the

principle of National Establishments of religion, it is not indispensable to establish any particular views of what is implied in civil government being an ordinance of God, or to show that the promotion of religion is one of its proper objects or ends. For, even though the possession of civil authority were regarded merely in the vague and general aspect of a talent or means of influence, the Establishment principle might be shown to derive some countenance from the general obligation attaching to all men, in all circumstances, to employ all their talents for the promotion of God's glory and the advancement of His cause. And if it were conceded that the proper direct end of civil government is only the temporal and not the spiritual welfare of the community, it would still be quite competent to argue, and not difficult to prove,—first, that civil rulers are called upon to aim at the promotion of religion as the best and only certain means of advancing the temporal welfare of their subjects; and, secondly, that though the promotion of religion is not an end of civil government, it is yet an end which civil governors, in the execution of their official functions, may be called upon to aim at, or—to use one of those scholastic distinctions which so frequently throw light upon an intricate subject—though not *finis operis*, it may yet be the *finis operantis*. On this ground, the doctrine that the promotion of the temporal welfare of the community is the only proper direct end of civil government has been held by many of the advocates of the principle of National Establishments of religion, and indeed by men of all varieties of opinion upon the different topics involved in this general subject,—by Cardinal Bellarmine and other Popish writers, who wished to depress the dignity, and to pave the way for its subjection to the authoritative control of the church,—by George Gillespie and the old Scotch and Dutch Presbyterian divines, who contended against the opposite doctrine when brought forward as an argument in favour of the right of the civil power to interfere authoritatively in the regulation of ecclesiastical affairs. The doctrine that the promotion of the spiritual welfare of the community is one of the proper ends of civil government, has been employed by Erastians as a basis for the position that the State ought to exercise authoritative control over the Church. The opposite doctrine, that the temporal welfare of the community is the only end of civil government, has been employed by the advocates of Voluntarism as a basis for the position that the civil magistrate, as

such, has no duty or obligation in reference to religion, and is not called upon to aim at promoting the prosperity of the church. We believe that both these positions are unfounded, and we are confident that neither of them can be fairly deduced from the particular doctrines (opposed to each other) with respect to the objects and ends of civil government on which they are respectively based. We have already explained the process by which, notwithstanding the admission that the temporal welfare of the community is the only direct and proper end of civil government, the principle of National Establishments may be defended against its opponents; and the process by which Erastianism may be excluded, notwithstanding the admission that the promotion of religion is one of the ends of civil government, is by showing that the magistrate's obligation to promote religion does not imply that he has a right of authoritative control in ecclesiastical matters. Even if it were assumed that Scripture has not settled the precise question whether the promotion of religion be, or be not, one of the primary and direct ends of civil government, we can see our way to a proof of all that we believe to be true, and to a disproof of all that we believe to be erroneous, in regard to the relation that ought to subsist between the civil and ecclesiastical authorities, without needing to assume as established *either* side of this alternative.

There is much more information given us in Scripture concerning the Church than concerning the State; and it is indeed from Scripture alone that we can know anything about the church,—its definition, nature, constitution, objects, and ends. The teaching of Scripture on the subject of the church forms an important department in Christian theology. Even the right scriptural definition of the church has been the subject of much controversial debate, and the settlement of this point is of fundamental importance in some of our leading discussions with the Romanists. In so far as concerns our present subject of the relation that ought to subsist between the civil and the ecclesiastical authorities, the chief topic to be examined is the constitution and government of the church as a distinct society. That the church of Christ is, by the ordination of its founder, a society,—that is, a regulated union or combination of many, for the promotion of common objects and interests,—is very clearly taught in Scripture, and is indeed plainly implied in all the representations given us there of the kingdom of Christ, and of the parts or sections of

which it is composed. This, indeed, is generally admitted, and can scarcely be said to have at any time proved a subject of controversy. The church is also represented in Scripture as a society distinct from the kingdoms of this world, and as differing essentially from them in its whole character and qualities. This appears plainly from all that Scripture tells us concerning its origin and ends,—its Author and objects,—its constitution and government,—its office-bearers and members,—the standard by which its affairs ought to be regulated,—and the qualifications of those who do or should compose it. The distinction or diversity between the church of Christ and the kingdoms of this world in these various important respects is also generally admitted.

Differences of opinion have, however, arisen as to the necessity of the permanence of this distinction in all circumstances, and as to some of the inferences that may be deduced from it. To understand the discussions which have taken place upon these points, it will be proper to observe that the Scripture sets before us a visible catholic church, consisting of all those throughout the world who profess the true religion, together with their children; and likewise a number of churches, distinguished from each other, having each its own individuality, but all of them parts or branches of the one visible catholic church. We have nothing to do at present with the position which the Congregationalists maintain in opposition to all other sections of Christians,—namely, that upon scriptural principles a church can be only a single congregation. We assume at present, what we think we can prove, the truth of the position laid down in our form of church government,—namely, that the Scripture doth hold forth that many particular congregations may be under one presbyterial government, and that of course all the Christian congregations of a district or kingdom may be so combined and united together under one government as to form one church. What we wish especially to notice in connection with this matter is this, that the leading views taught in Scripture with respect to the church,—that is, the visible catholic church viewed as a whole,—apply equally in substance to any church—that is, to any portion or section of the whole church—to which the designation of a church may be legitimately applied. Whatever is prescribed in Scripture to the visible church as a whole, or as one organized society, in regard to its constitution, laws, and government, its relations to Christ, or to the

kingdoms of this world, is equally binding upon every church,—that is, upon every section of professing Christians, whether consisting of one congregation or of many united under one government, which assumes to itself the designation of a church. The assumption of this character and designation by any organization of professing Christians, larger or smaller; at once imposes upon it an obligation, resting upon divine authority, to conform in all respects to what Scripture teaches concerning the duties and functions, the laws and arrangements, of the distinct kingdom which Christ has established.

This is a principle of some importance, and admits of obvious and extensive application. The church of Christ, as it is represented in Scripture, being distinct, and in many important respects formerly referred to, different, from the kingdoms of this world, *every church* is bound to retain this distinctness and diversity, and cannot disregard or abandon it without acting unfaithfully to Christ. No change of circumstances can legitimately transmute a church of Christ into a civil society,—into a kingdom of this world,—or exempt it from its obligation to maintain fully its peculiar distinctive characters and arrangements as they are set forth in Scripture. Some have contended that when the supreme civil power of a kingdom professes subjection to Christ's authority, and a willingness to aid or co-operate in carrying out the designs of the church, and especially if the whole or the chief parts of the population should become members of the church, and that the only church in the community, that then the distinctive character of the church as a separate society is virtually sunk in that of a Christian state, with which it then becomes identified. This notion, or something like it,—for it is generally put forth very vaguely and obscurely,—has been employed by many writers as a ground for investing civil rulers with an authoritative control over the church's affairs, and reducing the church to a condition of entire subordination to the State; and it has been employed by Dr Arnold for the more honourable purpose,—though the practical result is substantially the same,—of exalting and refining the objects and aims of the civil power. With whatever views this notion may be advocated, it is itself fundamentally erroneous,—implying a disregard at least, if not a denial, of the whole substance of what Scripture teaches concerning the church, upon the principle formerly explained; and, of course, concerning all the

parts or sections of which it is composed. Christ has made His church distinct and diverse from the kingdoms of this world; and distinct and diverse it must continue, if it would not change its whole character, and abandon entirely the relation in which it stands to Him. Civil rulers, by becoming Christian, and setting about the discharge of the duties which the word of God imposes upon them in reference to religion or the church, do not acquire any right or authority which they had not before, and do not become entitled to alter the constitution and laws of the church, or to assume any authoritative control in the regulation of its affairs. The church is not warranted, on the ground of any obedience justly due to civil rulers, or in return for any favours which it may receive from them, to alter, or to consent to the alteration of, any of the characters which Christ has impressed upon it, or of the arrangements which He has established in regard to it. Every feature in the scriptural definition and description of the church implies its essential and permanent distinctness from the kingdoms of this world. Even if the whole community were members of the church, and of one and the same church, this could be regarded only as an accidental condition of things that could not be expected to last for any length of time, and if it should last, would afford no warrant for disregarding or setting aside Christ's arrangements. Although the church and the commonwealth consist of the same persons, it would still, if Christ's arrangements as set forth in Scripture were to be at all regarded, be by a different tenure,—upon different conditions,—and under a different constitution and laws,—that men held their places in the one or in the other, whether as office-bearers or as members, and they would still have in these two different capacities different duties to discharge, and a different standard to follow.

Nothing indicates that it was Christ's intention that the constitution and arrangements of His church should be altered when His religion should gain an ascendancy in a nation. Everything indicates the reverse. He is to be with His church, and His church is to be with Him,—that is, subject to His control, obedient to His direction, submissive to His will, faithful in discharging the duties He has imposed,—until the end of the world. A mere change in the external condition of the church, arising from the proceedings of civil rulers professing to discharge a scriptural duty, is a fundamentally different thing from an alteration in any



of those matters which manifestly constitute essential features of the church as a distinct society,—of the arrangements He made for the administration of its government, and the regulation of its affairs. The classes and qualifications of office-bearers,—the nature and limits of their authority and functions,—the qualifications and privileges of ordinary members,—and the superintendence to be exercised over them by the office-bearers, are manifestly among the *essentialia* of a distinct organized society, and cannot be materially changed without changing its constitution and character. Christ has settled these points for His church in His word; while in regard to civil society nations are left free to settle most of these matters according to their own judgment and discretion; and from the nature of the case, there are many of them which *cannot be settled* in civil society in *the way* in which Christ has settled them in His church.

On such grounds as these, it can be easily shown that the distinctness and diversity between the church, as settled by Christ, and the kingdoms of this world, must be permanently maintained; and that their complete organization, as distinct societies, cannot be infringed upon without sin on the part of those concerned in it,—without interfering with arrangements which Christ appointed and intended to continue till His second coming.

We have said that there has been some discussion, not only as to the permanence of this distinction between the church and the State, arising from the important differences in their character, constitution, and objects, but likewise as to some of the inferences deducible from it, or as to what is involved or implied in it. From a setting forth of the distinction between the church and the State, and of the various important and fundamental differences between them, there has been deduced the inference that there can, and should, be no union or alliance between them,—no definite arrangement for affording to each other mutual co-operation and assistance. This conclusion we believe to be untrue; we think it can be positively disproved; and what is more immediately to our present purpose, we think it very evident that it does not follow from anything that can be established as to the distinctness of the two societies. Since the general ends or objects of the two societies, though different, are not only not opposed to each other, but harmonious and accordant,—since they are both fitted and intended, in their respective spheres, to promote the

glory of God and the welfare of the community, there is no reason why they may not enter into a friendly union or alliance with each other, provided it is not a union or alliance of such a kind as to destroy or supersede their distinctness. It has never been proved that all union or alliance between them must necessarily possess this character or produce this result; and on the contrary, it has been shown that the very differences between them afford important facilities for their affording each other mutual assistance without encroaching upon one another's province and functions, abandoning their own proper position, or neglecting their appropriate objects.

It has also been maintained that the distinctness of the State and the Church,—viewed as including the origin and nature of the differences between them which it implies,—affords a good ground for the inference that the two societies, and the authorities who represent and regulate them, are, and ought to be, wholly independent of each other, with respect to any jurisdiction or authoritative control of the one over the other,—that it precludes the assumption or exercise of any right on the part of one to interfere authoritatively in the regulation of the affairs of the other. We believe that this conclusion is well founded,—that it follows fairly from the premises; and that it can be conclusively established by a survey of all the materials bearing upon the settlement of the question. This is the branch of the general subject that bears most immediately upon the position the Free Church has been led to occupy, and the testimony she has been called upon to bear. It is on this topic that the controversies which have been long carried on *inter imperium et sacerdotium*,—or as to the relation that ought to subsist between the civil and ecclesiastical authorities,—have almost wholly turned, until in our own day prominence has been given to the principle of Voluntaryism, or of the entire separation of Church and State,—a principle which only cuts the knot, and certainly does not untie it.

It is not difficult to perceive how it is that the differences between the Church and the State which constitute them two distinct societies should lay a foundation for their entire independence of each other in respect to jurisdiction or authoritative control, while they give no countenance to the doctrine of the necessity of their entire separation, or of the unlawfulness or impracticability of friendly combination between them for mutual

aid and assistance. That two societies which must come into contact with each other, and whose leading ends and objects, though different, have yet no discordance or opposition, should combine more or less for mutual co-operation and assistance, and of course should make arrangements with each other with this view, is a position which has every antecedent probability and presumption in its favour. The burden of proof lies wholly upon those who deny it. And then it can, we think, be proved that an obligation attaches to nations as such, and to civil rulers in their official capacity, to aim at the promotion of the interests of religion and the welfare of the church. The appropriate result of this obligation, where both parties rightly understand their respective duties, and where special circumstances in the condition of the community do not preclude it, is the formation of a friendly union between them. On the other hand, the notion that of two naturally and originally distinct societies, the one should be entitled to exercise jurisdiction or authoritative control over the other, has every probability or presumption against it. The burden of proof lies wholly upon those who assert it. *That* subordination of the one to the other which is implied in the exercise of jurisdiction,—that is, of such a right of authoritative control as imposes, ordinarily, a valid obligation to obedience,—can be legitimately based only either upon the natural intrinsic relation of the two societies to each other, or upon the interposed authority of a common superior. The natural and original distinctness of the two societies would, upon general principles, exclude the first of these possible grounds of superiority and subordination; and there is a great deal in the special features of the two societies in question, the State and the Church, to confirm the exclusion, and nothing whatever to invalidate it. If it be alleged, as it has been, that God, the common superior, has invested the one with a right to exercise authoritative control over the other, this of course is a position which must be fairly met and discussed by an investigation of all the materials which legitimately bear upon it. So far as we can collect the will of God upon this subject from the more general properties and qualities of the two societies as ascertained either from reason or revelation, there is certainly nothing whatever to countenance the idea of the dependence of the one upon the other—of the subordination of the one to the other, but, on the contrary, much to establish the doctrine of their entire mutual

independence in respect to jurisdiction, and to prove the unwarrantableness and unlawfulness of the one usurping any authority over the other; and the very same result is brought out by an examination of the more specific positions alleged to be sanctioned by Scripture, and to bear more directly upon this particular subject.

From the nature of the case there are just three theories that can be maintained upon this subject:—First, That of those who assert the superiority in point of jurisdiction of the church over the State—the right of the ecclesiastical rulers to exercise authoritative control in civil matters. This is the doctrine of the Church of Rome, and has been maintained more or less fully and openly by most of her leading authorities.

Secondly, That of those who assert the superiority of the State over the church, or the right of the civil rulers to exercise jurisdiction in ecclesiastical affairs. This has usually been known among us by the name of Erastianism, though it is often spoken of by continental writers under the designation Byzantinism,—a term derived from the degrading subjection to the civil power to which the Patriarchs of Constantinople were reduced during the middle ages, while their rivals the Bishops of Rome attained not only to independence, but to supremacy.

Thirdly, That of those who deny the Popish and the Erastian theories, and maintain that the Church and the State are two co-equal independent powers, each supreme in its own distinct province, and neither having any authoritative control over the other. This is the doctrine taught in the word of God and in the Westminster Standards, though it can scarcely be said to have any distinct compendious historical designation in theological literature.\*

As the alleged absurdity and danger of an *imperium in imperio*, and the alleged necessity of some one power or authority that shall superintend and control everything in a community, is the common basis of the two leading erroneous theories upon the subject of the relation between the civil and the ecclesiastical authorities, it may be proper to make some observations upon it. The direct disproof of it as an argument for the superiority of the one, and the subordination of the other, is of course to be found in the proof that

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\* See "Historical Theology," vol. i. p. 390, etc., vol. ii. 557, etc. (Edrs.)

the Church and State *are two distinct independent societies*, each having a distinct government of its own, self-sufficient and authoritative in its own province, and with reference to its own functions and objects. If this can be proved, then no valid argument against the application of the doctrine can be derived from mere inconveniences or embarrassments that may occasionally arise, especially if it can be further proved, as it can, that collision and embarrassment may be easily avoided by settling the limits of the respective provinces or spheres of the two powers. And there is no such great difficulty in doing this as is sometimes alleged. Our Saviour has enjoined His followers to “render unto Cæsar the things that are Cæsar’s, and unto God the things that are God’s;” and this implies that there are some things which belong to the province of Cæsar, or the civil magistrate, which are subject to his jurisdiction,—with respect to which he has rightful authority,—and is ordinarily to be obeyed; reserving, of course, the great principle which is of universal application, namely, that “we must obey God rather than man.” It implies, also, that there are some things which are God’s, in such a sense as not to belong to Cæsar at all—not to belong to the province, or to be subject to the authority, of the civil magistrate. There is no great difficulty in settling what these things are, respectively. Cæsar’s things are the persons and the property of men, and God’s things are the conscience of men and the church of Christ. The civil magistrate has rightful jurisdiction over the persons and the property of men, because the word of God sanctions his right to the use of the sword, and because jurisdiction in these matters is evidently indispensable to the execution of the functions of his office, the attainment of the great end of civil government, namely, the promotion of the good order and prosperity of the community. He has no jurisdiction over the conscience, for “God alone is Lord of the conscience, and has left it free from the doctrines and commandments of men.” He has no jurisdiction over the church of Christ, because “Christ alone is its King and Head,”—and because, by His own authority in his word, He has made full provision for its government, for the administration of its affairs, through other parties, without vesting any control over it in the civil magistrate. The civil magistrate, we believe, is bound, in the exercise of his proper authority, in his own province, to aim at the promotion of religion and the welfare of the church; but though this obligation brings religion and the church

within the scope of his care, it does not bring them within the sphere of his jurisdiction ; or entitle him to deal with them in a manner inconsistent with, or unauthorized by, their proper nature or their prescribed constitution. The civil magistrate is also entitled to exercise a certain superintendence and control in religious and ecclesiastical matters, limited to the object of promoting the attainment, and preventing the frustration, of the great end of his office—the peace and good order of the community. But this consideration,—though authorizing him to restrain and punish whatever, under pretence of conscience or of ecclesiastical authority, interferes with the interests he is bound to guard,—does not invest him with legitimate authority in matters of religion, or the affairs of the church, or enable him to impose upon any a valid obligation to render to him obedience in these things.

Neither is there any great difficulty in settling the line of demarcation between things civil or temporal, and things ecclesiastical or spiritual. Civil or temporal things are just the persons and the property of men, and ecclesiastical or spiritual things are just the ordinary necessary business of the church—all those acts and processes which the Church performed and conducted before her connection with the State, and which should be performed and conducted wherever a church exists, and is in the full execution of its appropriate functions. And while there is no great difficulty in settling theoretically the line of demarcation between the Church and the State, neither is there much difficulty in the practical application of sound principle in this matter. It is true that there are questions in which the civil and ecclesiastical element are combined. Nay, it is true, as has been said, that there is no act so purely ecclesiastical but that in some of its aspects and consequences it may come legitimately under the cognizance of the civil power ; and no act so civil that it may not, provided it be done by a member of the church, come legitimately under the cognizance of the ecclesiastical authorities. But notwithstanding all this, there is no great difficulty in disentangling the one from the other by a fair and honest application of the principles that have been stated. In this way it is easy to show that there is no necessity for subordinating the one society to the other ; while, at the same time, the process suggests considerations which contribute to establish the great general truth, which of itself would fully answer the argument, even if the practical difficulties were far greater

than they are,—namely, that the Church and the State *are two distinct societies*, each supreme in its own sphere, and neither dependent on the other in respect to jurisdiction or authoritative control.

The Popish argument for the superiority of ecclesiastical over the civil in point of authority, derived from the higher and more exalted character of the ends or objects of the Church than of the State, has manifestly no weight. There is, indeed, no connection between the premises and the conclusion. This notion, however, enables them to dispense with the necessity of denying the appointment of a distinct government in the State, and allows them to concede this, affording, as it does, a pretence for alleging that the administration of this distinct government must be subordinated to the ecclesiastical authorities.

The Erastians are reduced to greater straits. Concurring with the Papists in holding that the one must be superior and the other subordinate, they have no very plausible pretence of a general kind for alleging that the superiority lies on the side of the State; and thus they have been led to adopt as the only plausible ground on which to defend the right of the civil power to exercise jurisdiction in ecclesiastical matters, a denial that Christ has appointed a distinct government in His church, in the hands of other parties than the civil magistrate.\*

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\* See "Historical Theology," vol. i. p. 396, etc.; vol. ii. p. 569, etc. (Edrs.)



## CHAPTER VIII.

### THE WESTMINSTER CONFESSION ON THE RELATION BETWEEN CHURCH AND STATE.\*

THE scriptural principles which regulate the relation between Church and State necessarily involve and imply these two positions: *First*, that the only rule or standard by which the affairs of a church of Christ ought to be regulated, is the mind and will of Christ, revealed in His word; and, *secondly*, that the parties in whom the right of interpreting and applying Christ's laws for the administration of the affairs of His kingdom,—for the management of the ordinary, necessary business of His house,—is vested, are ecclesiastical office-bearers, and not civil functionaries. There is nothing in the twenty-third chapter of this Confession which is inconsistent with these principles, or which sanctions the recent decisions of the civil courts in reference to the Church of Scotland.

In proceeding to prove this, I assume that the statements contained in twenty-fifth, thirtieth, and thirty-first chapters of the Confession, about the general character of the Christian church,—the sole Headship of Christ over it,—and His appointment in it of a government in the hands of church officers distinct from the civil magistrate, involve and imply the two positions already stated. I assume further, that these two positions fully vindicate the principles and proceedings of the church, in so far as concerns her refusal to obey the decisions of the civil courts; and that her principles and proceedings cannot be successfully or plausibly assailed without an explicit denial of these positions. I assume all this, because it has been repeatedly asserted and proved in the

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\* From a pamphlet, published by Dr Cunningham in May 1843, immediately before the Disruption of the Church of Scotland, entitled, "Remarks on the Twenty-third Chapter of the Confession of Faith as bearing on existing Controversies."—(EDRS.)

course of this controversy, and because no one of any weight or respectability has ever attempted to answer it. The twenty-third chapter can be made to serve the purpose of our opponents only by its being shown that it contains principles inconsistent with these,—that is, that the Confession is inconsistent with itself. This, of course, is not to be presumed, but the reverse, and very strong evidence must be produced in order to establish it. If the twenty-third chapter is susceptible, without straining, of a meaning consistent with those principles so clearly stated in other parts of the Confession, this, according to all the rules of sound interpretation, must be received as its true, real, and intended import. It is quite unwarrantable to impute inconsistency, especially to such a document as the Confession of Faith, if by any fair interpretation the apparent inconsistency can be removed. Let us consider, then, whether we are shut up to the necessity of regarding the Confession as chargeable with inconsistency in this matter.

The passage in the twenty-third chapter which has recently been adduced, as if it at once settled the whole controversy, is the following:\* “The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven; yet he hath authority, and it is his duty, to take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof he hath power to call Synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God.”

Our opponents, in quoting this passage, sometimes leave out the first clause, though it plainly contains the leading proposition, which is the key to the whole sentence, and with which its other statements should, if possible, not be made to conflict. The reason of this omission is, that they are afraid of being asked what is meant by the “power of the keys,” which “the civil magistrate may not assume to himself,”—a question which many of them are quite unable to answer.

The truth is, that this single declaration overturns the whole

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\* Sec. 3.

case of our opponents. The "power of the keys,"—taken in its more limited sense, as it must be here, where it is distinguished from the administration of the word and sacraments,—just means the ordinary power of government in the administration of the affairs of the church; and more particularly, the right of authoritatively and judicially determining all questions that may arise as to the admission of men to ordinances and to office in the church of Christ, and the infliction and relaxation of church censures. Whenever the civil magistrate presumes to decide or determine that any particular individual shall be admitted to Christian ordinances, or shall not be excluded from them,—or that any particular individual shall be admitted to the office of the ministry and the exercise of the pastoral cure, or shall not be excluded from it,—then, beyond all question, he assumes "the power of the keys." And as the recent decisions of the Court of Session necessarily involve or imply an assumption of this power, this important clause, which, like all the rest of the Confession, is embodied in our statute book, is of itself sufficient to prove that these decisions are inconsistent at once with the word of God, and the law of the land.

It is, of course, upon the subsequent part of the sentence,—upon what is here said about the authority and duty of the civil magistrate,—that our opponents found. They never try to explain the precise meaning and import of the declaration. They just quote it, and then triumphantly ask us, Is not this inconsistent with your views? Does not this sanction the decisions of the Court of Session? But let us examine the meaning of the statement, and let us begin with inquiring, first, Who is the civil magistrate here spoken of? and, secondly, What is the standard by which he is to be guided in the exercise of the authority here committed to him, and in the discharge of the duty here imposed upon him?

Now, upon the first of these points, we assert that the civil magistrate here means *the supreme civil power, and the supreme civil power alone*. This, like every other part of the Confession, is a summary of the truths actually contained in the word of God upon the point. It states nothing but what is actually found there; and the word of God, of course, contains nothing upon the point but what applies exclusively to the State, or supreme civil power,—the power that is responsible for the discharge of national

duty, and the promotion of national welfare,—the power that is entitled and bound to regulate national measures, and to frame national laws. It is a statement of what civil rulers, when they come to study the word of God, find to be the function which He has there assigned to them,—the duty which He has there imposed upon them. And it is only the supreme civil power that comes directly into contact with God's word as a rule for ascertaining and discharging duty. All subordinate civil authorities, including the highest judicial tribunals, must be guided in their official actings by the constitution and law of the country; and every question as to what is, or is not, competent to them, must be determined by arguments derived from these sources. The civil magistrate, then, in the Confession, and, indeed, in theological writings in general, means the State, or supreme civil power of the nation; because it is only the State whose functions and duties are, or can be, declared in the word of God; and because it is only the supreme civil power, and not any subordinate tribunal, which comes directly into contact with God's word as the rule, so far as it applies, of its official actings. The State may, indeed, delegate its whole powers and functions in this matter to some tribunal of its own creation; but if this is alleged in any case, it must be proved; and the proof, of course, must be derived, not from the word of God, or from any summary of scriptural truth, but from some act of the State itself,—that is, from the constitution and laws of the particular kingdom.

If the civil magistrate here means, as it unquestionably does, the State, or supreme civil power, then it is manifestly impossible to deduce from this passage any direct argument in favour of the recent decisions of the Court of Session. Even if it could be proved that all these decisions were fairly comprehended within the sphere of the authority and duty here assigned to the civil magistrate, it would still require, *in addition*, distinct and independent proof from the constitution and laws of the kingdom, that they were competent to the Court of Session. And it has been unanswerably proved, in the speeches of the judges in the minority, that it was not competent, according to the constitution and law of Scotland, for the Court of Session to pronounce these decisions; and if it was not competent for the Court of Session to pronounce them, it must be equally incompetent for the House of Lords, when sitting in its judicial capacity as a court of appeal.

It is to be observed, however, that while it is manifestly impossible to deduce from this passage an argument *in favour* of the decisions of the Court of Session, as the passage applies only to the supreme civil power, and as the question of what is or is not competent to the Court of Session can be determined only by an appeal to the constitution and law of Scotland, it may be quite possible to derive from it a conclusive argument *against* them. What is not competent, according to the word of God and the law of the land, to the State, cannot possibly be competent to any judicial tribunal created by the State. By the word of God and the law of the land, the State may not assume "the power of the keys," and therefore none of the State's functionaries or tribunals can lawfully or competently do so. The Court of Session has assumed the power of the keys, and therefore has been guilty at once of a violation of the law of God and of the law of the land. If our opponents could prove that the decisions of the Court of Session were comprehended within the sphere of action competent, according to this passage, to the civil magistrate, this, of course, would deprive us of *one* of our arguments against them, but it would not of itself afford any direct argument in support of them; whereas, by proving that the decisions of the Court of Session are such as, according to this passage, are not competent to the civil magistrate, we at once, and without any other medium of probation, establish the position that they were not competent to the civil court.

The undeniable truth, then, that the civil magistrate here means the State, or supreme civil power, of itself proves that an argument cannot be deduced from this passage in support of the recent decisions of the Court of Session; while the declaration, that "the civil magistrate may not assume to himself the power of the keys," proves at once that these decisions are contrary both to divine and human law. It is scarcely possible to speak in too strong terms of the ignorance or dishonesty of men who have been accustomed to brandish this passage, as if it at once, and of itself, fully vindicated all the recent enormities of the Court of Session in exercising ecclesiastical jurisdiction.

Let us now, secondly, inquire what is the rule or standard by which the civil magistrate is to be guided in the execution of the function that is here entrusted to him? And in answer to this question we say, that in all that he is here warranted and required

to do, *be it what it may*, he must be regulated by the word of God. It is quite plain, and can be denied by none but infidels, that the word of God is the only rule by which all religious subjects, and the whole concerns of Christ's church, ought to be regulated. Whoever may be called upon to interfere in any way in these matters, or to do something about them, whether for the regulation of their own conduct, or as warranted and authorized to exercise some jurisdiction over others, they must take the word of God, and that alone, for their rule. The matters with which it appears from this passage that the civil magistrate has something to do, are—the preservation of unity and peace in the church,—the promotion of the truth of God,—the suppression of blasphemies and heresies,—the reformation of corruptions and abuses in worship and discipline,—and the right administration of all the ordinances of God; and there is manifestly, from the very nature of the case, no rule or standard by which these matters can be determined,—by which men can be guided in aiming at the promotion of these objects,—except the sacred Scriptures. Whatever the civil magistrate may be warranted to do in these matters, he must,—unless he is to be invested with absolute and uncontrolled lordship over the conscience, and to be wholly exempted from any regard to God's authority,—form his opinions and regulate his conduct by the rule which God has prescribed. All this is so clear and unquestionable, that it was distinctly admitted by the able and learned Erastians of former times; and accordingly Gillespie mentions it as one of the *concessions* which Erastians then made to their opponents,\* “that the Christian magistrate, in ordering and disposing of ecclesiastical causes and matters of religion, is tied to keep close to the rule of the word of God.”

Our modern Erastians, according to their usual policy, have not ventured either to admit or deny this principle. They dare not deny it, for it is so clear and unquestionable. They dare not admit it, for this at once would put an end to any decent attempt to defend the recent decisions of the Court of Session, and to maintain the church's obligation to obey them, as these decisions are avowedly based, not upon the word of God, but merely upon the law of the land.

That the word of God is the only rule by which the matters

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\* “Aaron's Rod Blossoming,” p. 173.

here referred to should be decided, must, of course, be admitted by every intelligent Protestant. And in regard to one important branch of the functions here assigned to the civil magistrate,—that which concerns Synods,—it is expressly declared, that he is to see that what is transacted in them be according to the mind of God,—the mind of God being thus distinctly prescribed as a rule to him, as it is to the ordinary members of the Synods. Upon the ground of this principle, it is manifest that the civil magistrate is not here authorized to do anything about the church of Christ until he has made up his mind as to what is the will of God upon the point ; and that whatever he does must be, professedly at least, in accordance with the standard of the sacred Scriptures. And it is also manifest, upon the same ground, that neither the civil magistrate nor any other party whatever is entitled, when advising or directing as to the regulation of the affairs of Christ's church, even to a hearing,—and still less, of course, to submission or obedience,—unless he at least profess to show that his views upon the point are scriptural, and undertake to prove that they are in accordance with the mind and will of Christ. No party whatever ought to attempt anything in these matters except in accordance with this standard ; and no party interfering in these matters is entitled even to be listened to, unless he at least profess to be following scriptural directions himself, and to be urging scriptural authority upon those whom he tries to persuade, or presumes to command.

Now, the recent decisions of the civil courts, which it is said the church ought to have obeyed, and by which she ought to have been guided in regulating her judicial procedure, did not profess to be founded upon the word of God, but merely upon the law of the land,—did not profess to be based upon a regard to the unity and peace of the church, or any of the important objects which the civil magistrate is here authorized and required to aim at, but upon a regard to the patrimonial rights and interests of the patron and the presentee. These decisions may, or may not, be competent and legal, but they cannot possibly derive any countenance or support from this passage, which plainly implies that the things to be done are to be regulated by the standard of the word ; and they cannot possibly have any power to bind or oblige men in the administration of the affairs of the church, which, in whomsoever it may be vested, ought to be regulated only by the sacred



Scriptures. In short, unless the civil magistrate seek to effect these objects, professedly at least, in accordance with the directions of the word of God, he is not exercising the authority here committed to him,—he is not discharging the duty here imposed upon him,—and, therefore, in such a case, an argument cannot be derived from this passage in vindication of his decisions, or in support of the obligation alleged to lie upon any other party concerned in the government of Christ's church to regard or obey them. The argument of our opponents, derived from this passage, would be seen, if they ventured to bring it out fully and plainly, to amount to this,—the decisions of the Court of Session are proved, by what is here said about the civil magistrate, to be lawful and competent—to be pronounced in the exercise of an authorized jurisdiction, and therefore it was the church's duty to obey them. And it is quite a sufficient answer to this, independently of any examination of the question whether or not the Court of Session be the civil magistrate, to say, that whatever the civil magistrate is here authorized to do about religion and the church, he is bound to do it according to the standard of the word; and, therefore, if his interferences are not, professedly at least, based upon the word of God,—and still more, if they are professedly based upon a different standard,—they cannot, in virtue of anything here laid down, be entitled to any respect, or impose any valid obligation to obedience. To say that this passage affords any sanction to the recent decisions of the Court of Session, necessarily implies an assertion that the matters here referred to may be lawfully regulated by the law of the land *as such*,—for on that alone were these decisions based; and this is a position to which the passage not only affords no countenance, but which it plainly contradicts, by telling us that the magistrate is to see that these matters be regulated according to the mind of God.

It is a mere evasion to attempt to escape from this argument by saying, that, though abstractly it may be true that the civil magistrate, in anything he may do about religion and the church, ought to be guided by the word of God, yet that this does not apply to the case of an Establishment, where the Church and the State have entered into an alliance,—where something like a compact has been formed between them,—where the two parties have come to an agreement as to matters of doctrine, government, worship, and discipline,—and where the public documents embody-

ing the articles agreed upon form a common standard to which both parties can appeal, and by which both are in some sense bound. A statement of this sort has been occasionally put forth by our opponents for the purpose of escaping from the necessity of an appeal to Scripture, or any reference to it, as the only rule by which the affairs of the church of Christ ought to be regulated. The evasion, however, is of no real avail. It is true that, so long as Church and State adhere to the views with which they entered into alliance with each other, and so long as they are of one mind as to the interpretation of everything affecting its terms or conditions, matters may go on very smoothly, and there may be no occasion for recurring to first principles, or for appealing to the ultimate standard,—the word of God. But if a difference arise, either from an avowed change of sentiment in one of the parties, or from a dispute as to the meaning of those public documents in which the terms of their agreement are embodied, this difference can be rightly and satisfactorily settled only in the same way in which the alliance was originally formed,—namely, by an appeal to first principles and to the sacred Scriptures.

A serious collision can scarcely arise between Church and State without one or other of the parties alleging, at least, that they are influenced by a regard to the authority of Scripture; and as this is the ultimate rule or standard to both parties, an allegation to this effect never can be irrelevant, and never should be set aside or disregarded, if it come from any quarter entitled to respect, and if important consequences hang upon the adjustment of the point. Whenever the authority of Scripture is pleaded by Church or State, the matter must be one of conscience, and therefore can be rightly settled only by an appeal to the laws of Him who is Lord of the conscience; so that, if the Church and State come into collision upon any matter which either party considers to be settled in the word of God, they must either, by consultation and discussion, come to an agreement upon scriptural grounds, or else they must separate from each other. Before so serious a result is allowed to take place as the breaking up of an alliance between Church and State, either party is entitled to expect that the other will give them a fair hearing; will listen to and consider their scriptural arguments, and decide the matter, professedly at least, according to the standard of God's word. The civil magistrate may, indeed, refuse to listen to any appeal to

the word of God, and doggedly declare that he is resolved to adhere to the compact, or to his own interpretation of it ; but if so, he is certainly not executing the functions committed to him by the word of God and by the twenty-third chapter of the Confession ; and therefore is not entitled in this matter to any respect or obedience. If a dispute that may arise about a matter which ought to be determined by the word of God, cannot be rightly and competently settled by the mere dogged determination of the civil magistrate to adhere to the compact, or to his own interpretation of it, still less can it be lawfully and satisfactorily adjusted by any of his subordinate functionaries, in the exercise of mere brute force,—by interdicts and actions of damages,—by civil pains and penalties.

Every one, of course, must see that, in most cases, there would be great practical difficulties in the way of adjusting in this manner, and upon scriptural grounds, a collision between Church and State ; but beyond all question it is the only mode of adjustment which right principle admits of,—it is the only way in which the civil magistrate can rightly execute the functions which the twenty-third chapter of the Confession commits to him ; and surely a collision between Church and State, threatening a disruption of the alliance, is an affair so important as to require the interposition of the supreme civil power, and to demand a recurrence to first principles, and to the ultimate standard by which all such matters ought to be regulated.

I think I have proved, first, that the civil magistrate in this passage means the State, or supreme civil power ; and, secondly, that in all that he is here authorized to do about religion and the church of Christ, he must be guided only by the standard of God's word ; and that, therefore, he is not entitled either to countenance or obedience when he interferes in these matters without professing at least to be guided by that standard. Either of these two positions separately,—and still more, of course, the two conjointly,—establish, beyond all doubt, that there is nothing in this passage which *can* afford any countenance to the recent decisions of the civil courts, as they were not pronounced by the supreme civil power, and did not profess to be based upon the word of God, but only upon the law of the land.

The old Erastians admitted this principle, and no honest and intelligent Protestant can deny it ; but those of our opponents

who maintain that the recent decisions of the Court of Session were right and competent, and ought to have been obeyed by the church, must in consistency be prepared to assert the degrading infidel position, that the law of the land, as such, is a proper rule or standard for regulating the affairs of Christ's kingdom.

These positions are, of course, quite sufficient to prove that the recent decisions of the civil courts cannot be sanctioned by anything contained in this passage, and cannot, in virtue of anything here said, be entitled to obedience, since they were not decisions of the supreme civil power, and did not even profess to be based upon the word of God. The second of these positions serves equally to prove, that the recent homologation of the decisions of the civil courts by the State or Legislature, is entitled to no weight whatever as imposing anything like an obligation to obedience; for its decision, too, was not based, even in profession, upon the word of God. It could scarcely be said to be professedly based even upon the standards of the church or the law of the land; for neither her Majesty's Government nor the Legislature, in refusing the redress asked upon the ground of the standards and of statute law, attempted to meet the arguments which the church adduced from these sources in support of her claims. The decision of the Legislature was based upon an almost openly avowed determination to make the church subservient to the State,—upon Sir Robert Peel's views of “the principles of English jurisprudence,”—and upon certain notions of “law, justice, equity, and common sense,” which, it seems, had found their way into the head of Sir James Graham. The decision of the Legislature may be sufficient to settle the right of the church to the privileges and emoluments of the Establishment; but it cannot have any weight in determining whether or not the church *ought* to have followed the course which the State approved of, and in a sense enjoined.

But I have still to explain the meaning of the latter part of this section of the Confession, and to show that it contains nothing inconsistent with the principles now held by the majority of the church. The old Erastians admitted that the word of God was the only rule by which the affairs of the church ought to be regulated; but, denying that Christ had appointed in His church a distinct government in the hand of ecclesiastical office-bearers,

they maintained that everything about the ordinary government of the church which required to be judicially or forensically decided, should be determined, ultimately at least, according to the rule of God's word, indeed, but still by the civil authorities : in other words, they ascribed to civil rulers proper jurisdiction in ecclesiastical matters, which sound Presbyterians have always consistently denied to them.

The declaration, that "the civil magistrate hath authority, and that it is his duty, to take order that unity and peace be preserved in the church," etc., of course necessarily implies that all the things here specified the civil magistrate is entitled and bound to aim at,—to make it his object, by all means lawful in themselves and competent to him, to effect. And the leading points to be ascertained, in order to fix the meaning of the passage, are these : Does it mean anything more than this ? Does it indicate the means he is to employ, in order to effect these objects ? Now, there is no medium between these two things : either it must mean merely that these are objects which he is entitled and bound to aim at ; or it must mean, moreover, that these are subjects in which he has rightful jurisdiction, that is, *with respect to which he is entitled to judge and determine, not only for himself, but for the regulation of the conduct of others.*

Now, we assert that the words here used do not necessarily or naturally mean more than this,—that the various matters here specified are objects which he is entitled and bound to aim at ; and that to interpret them as going beyond this, and as ascribing to the magistrate jurisdiction in these things—for there is no medium—is to make the Confession contradict itself, and the known views of its authors and of the Church of Scotland at the time when it was adopted ; and that therefore the true, real, and intended import of the passage, is just to declare the great fundamental principle of national establishments of religion,—namely, that the civil magistrate is bound to exercise his lawful authority in civil things, with a view to the promotion of the interests of religion and the welfare of the Church of Christ, and for the purpose of securing these great results. I merely indicate the proofs by which this position is established, without illustrating them in detail, or pointing out fully their bearing and application.

The civil magistrate has plainly the same degree of power, and the same right of interference, in all the matters which are

specified here,—for example, in promoting God's truth,—as in reforming corruptions and abuses in worship and discipline. Whatever power he has in regard to any of these matters, he has in regard to them all, even the most sacred,—the very truth of God revealed in His word, and indeed the whole business of the Church of Christ. And this is a very strong presumption that the statement was intended merely to convey the idea that these were all objects which he was bound to aim at, and not subjects in which he had jurisdiction; especially as it is certain in itself, and is clearly declared in the Confession, that all these matters with which it is here said that the civil magistrate has something to do, are comprehended within the sphere of the jurisdiction of ecclesiastical office-bearers, and that the judicial regulation of them forms the whole substance of that distinct government which Christ has appointed in their hands.

The introductory words, that he “hath authority, and it is his duty,” do not necessarily, or even naturally, mean more than that it is competent to, and incumbent upon, him; and then the next phrase, “to take order,” on which the meaning of the whole statement essentially depends, can easily be proved, according to the *usus loquendi* of that and the preceding period, to mean,—to attend to, to aim at, to see about, to provide for, to labour to effect. It is indeed just a translation of *procurare*, or *providere*, or *dare operam*, the expressions used in the same connection to convey the same idea in the Confessions of the Reformed churches. In the Latin translation of the Confession, published in 1656 at the University press of Cambridge, when it was under the control of the Presbyterians, this clause is rendered in this way,—*nihilo tamen minus et jure potest ille, eique incumbit providere ut*, etc., etc.,—it is competent to and incumbent upon him to see to it, or to make it an object of attention and effort. Brown of Wamphray, who was a minister of the church when the Confession was adopted, in quoting this passage in his Latin work, *Libertino—Erastianæ Sententiæ Lambertii Velthusii Confutatio*, translates these words in this way: “*penes tamen eum, ejusque officii est, operam dare ut*,” etc.,—another proof that the words mean, and were understood and intended to mean, merely, that the civil magistrate is entitled and bound to aim at the promotion of the important objects here specified, and to strive to effect them.

The words, then, do not necessarily or naturally mean more

than that the civil magistrate is entitled and bound to aim at, and to seek to effect, the different objects here specified, which are all comprehended under the general heads, of the welfare of religion, and the purity and prosperity of the church of Christ. This is just the principle of National Establishments, which we believe to be not only true, but important. The Voluntaries, in opposing this principle, used to allege that it necessarily implied the right of the civil magistrate to exercise authority or jurisdiction in religious matters, and over the concerns of the church. This was denied and disproved by the defenders of Establishments, who showed that there was a clear and palpable distinction between the object of the magistrate's *care*, and the sphere or subject of his *jurisdiction*; and that while he was entitled and bound to aim at the promotion of the interests of religion and the welfare of the church, he had no jurisdiction, or right of authoritative interference, in religious or ecclesiastical matters;—that the sphere of his jurisdiction was only the persons and the property of the men,—and that his jurisdiction in these civil things he was to exercise for promoting the religious and ecclesiastical objects which it was his duty to aim at and promote.

The Moderate party in the Church of Scotland, whose ruinous policy gave to Voluntary arguments all their plausibility, and to Voluntary efforts all their influence, appear to have adopted the Voluntary notion on this point; and seem to think that the magistrate's obligation to promote the interests of religion and the welfare of the church, brings these subjects within the sphere of his jurisdiction, and entitles him to exercise authority over others in regulating them. Not only, however, is there nothing in the general principle itself, but there is nothing in the mode in which it is stated in the twenty-third chapter of the Confession, to warrant such an idea. If, indeed, the civil magistrate could do nothing whatever for the accomplishment of these objects, except by the exercise of an Erastian control over the church which he favoured, and by the infliction of persecution upon those whom he did not favour, there might be some ground for the views of the Moderate and Voluntary parties upon this point. But the assertion of the general principle of the right and duty of the civil magistrate to promote these objects, leaves untouched the whole question of the means which he is to employ for effecting these ends; and the Confession, while explicitly asserting the general principle of his



right and obligation, does not specify either the nature of the authority he is to exercise, or the character of the means he is to employ, for that purpose. The exercise of any ecclesiastical jurisdiction,—the assumption of any right to decide authoritatively ecclesiastical questions,—cannot be supposed to be one of the means which he is to employ for promoting these ends, for there is no statement here that sanctions this idea ; while it would flatly contradict those parts of the Confession which assert Christ's appointment of a distinct government for His church in the hand of ecclesiastical office-bearers, and forbid the assumption by the civil magistrate of the power of the keys.

The only thing specified here as to the means he is to use for effecting these ends is, that “he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God.” The word “provide” does not necessarily imply any exercise of authority or jurisdiction, any more than “to take order ;” and as the latter phrase in the Latin translation is “*providere*,” so the former is “*prospicere*”—to see to it—or to make it an object of attention and concern ; while it is manifest, that to exercise an authoritative control in synodical proceedings, by reviewing and reversing them, is to assume the power of the keys. There is nothing, then, in this passage which warrants the magistrate to seek to effect these objects by exercising jurisdiction in ecclesiastical matters ; and, therefore, he is to seek to promote them only in the exercise of his proper jurisdiction in civil things, by exercising his control over person and property, so far as is consistent with the nature of the objects he is to aim at,—with the rights of conscience and the liberty of Christ's church,—in those various ways which, in defending National Establishments, were proved to be lawful in themselves, and fitted to effect the desired result.

All the objects which ecclesiastical office-bearers are bound to aim at, the civil magistrate is also bound to aim at, just as every private individual is bound to aim at them. The magistrate is prohibited from exercising ecclesiastical jurisdiction in seeking to effect these objects ; no specific statement is given of the means he is to employ for this end ; and, therefore, the conclusion is inevitable, that the civil magistrate is, just like men in general, to use the authority and power competent to him as such—and what that is must be ascertained from other sources—for promoting the interests of religion, and the purity and prosperity of

the church. He has no jurisdiction in ecclesiastical matters, and, therefore, in whatever he may do in regard to these things, and for the promotion of these objects, he must act,—freely and independently indeed, upon his own responsibility,—*but still simply as judge of his own act, for the application of his own influence, and the regulation of his own conduct*; and more especially, he must not assume jurisdiction over those who alone have lawful jurisdiction in these matters, and in whose hands the right not only of aiming, in some way or other, at the promotion of these objects, but of actually administering the government of the church, has been vested by Christ himself. It is true,—and true equally of church courts, of the civil magistrate as such, and of private individuals,—that they have authority, and that it is their duty to take order, that is, to seek to effect, according to their place and means, that unity and peace be preserved in the church, etc.; but it is true only and exclusively of ecclesiastical office-bearers and church courts, that it is competent to, and incumbent upon, them\* “ministerially to determine controversies of faith, and cases of conscience; to set down rules and directions for the better ordering of the public worship of God, and government of His church; to receive complaints in cases of mal-administration, and authoritatively to determine the same;” and it is true only of ecclesiastical office-bearers and church courts, that their “decrees and determinations” upon these points, “if consonant to the word of God, are to be received with reverence and submission, not only for their agreement with the word, *but also for the power whereby they are made, as being an ordinance of God appointed thereunto in His word.*” This last clause points out distinctly the precise difference between the interferences of civil and of ecclesiastical functionaries in these subjects, ascribing to the latter, and to the latter only, jurisdiction in the matter. And there is nothing in the twenty-third chapter which is in the least inconsistent with it—nothing which marks out the civil magistrate as, according to God’s appointment, a proper party for regulating these matters, or for settling these points—nothing which ascribes to His decrees and determinations on these subjects any authoritative weight, any power to bind and oblige others, even *prima facie* and in the first instance.

In asserting that ecclesiastical office-bearers, and they alone, possess jurisdiction in ecclesiastical matters,—that they, and they

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\* Confession, c. xxxi. sec. 3.

alone, are entitled to administer the government of Christ's house, according to His word,—we do not mean to claim for them infallibility, or anything like it; nor do we mean to assert that they have the exclusive right of interpreting the word of God, as applicable to these matters. On the contrary, we believe that every individual is entitled and bound to interpret the word of God upon all points for himself, on his own responsibility, for the discharge of his own duty, and the regulation of his own conduct,—for the purpose of deciding whether or not he will obey the decrees and determinations of synods, and whether or not he will concur and assist, by the use of his own influence and worldly substance, in promoting the execution and observance of their sentences. In like manner, the civil magistrate, in employing his legitimate power *circa sacra*—in exercising his rightful jurisdiction in civil things, for promoting the interests of religion and the good of the church—is entitled and bound to judge for himself as to the meaning of God's word in regard to every point with which he in any way interferes. He is entitled and bound to form a free and independent judgment upon all these points, for the discharge of his own duty, and the regulation of his own conduct—for the purpose of determining whether or not, and how far, he will give the civil sanction to the decrees and determinations of church courts, and of deciding to what system of religious doctrine and of ecclesiastical practice he will give that countenance and assistance which his control over national measures, laws, and resources, enables him to render if he chooses.

All this is true in itself, and is universally admitted; and yet Lord Medwyn and others have produced passages from Gillespie and Rutherford, as if in opposition to our principles, which convey this idea, and nothing more. All this, however, is fully conceded; but what is denied, and what is not necessarily involved or fairly implied in the twenty-third chapter, is, that the civil magistrate is, like church courts, “an ordinance of God, appointed in His word,” *for the government of the church and the regulation of ecclesiastical affairs*; that he has any proper jurisdiction in these matters; and that any other party whatever, even a private individual, is called upon to regard his decisions upon these points as the judgments of a competent authority, and as,—because they come from the civil magistrate,—entitled to any reverence or submission whatever. The decisions of church courts upon these points are the decisions of a competent authority,—of

a party authorized and appointed by God to entertain and dispose of these questions,—and therefore are *prima facie* entitled to reverence and submission. The civil magistrate and private individuals are, indeed, entitled and bound to judge for themselves, and with a view to the discharge of their own duty, and the regulation of their own conduct, whether the decrees and determinations of synods are, or are not, in accordance with the word of God, and to act accordingly, upon their own responsibility; but as church courts are the only parties who have any proper jurisdiction in these matters,—who are authorized and appointed by God to entertain and dispose of these questions for the actual administration of the government of His kingdom,—their decisions carry with them *prima facie*, and in the first instance, an authority, or binding and obliging power, which men must remove or overcome by a virtual appeal to Christ, grounded upon their alleged contrariety to His word. The decisions and determinations of the civil magistrate upon these points, as such, have no authority whatever over any but himself; and as they are not the decisions of a party authorized to exercise jurisdiction in these matters, they do not even require to be disposed of by an appeal to Christ, but may be at once set aside, in so far as any binding power or any claim to submission is concerned, as passed *a non habente potestatem*. The external respect due to the civil magistrate, and the importance of securing, if it can be done lawfully and honourably, his countenance and co-operation, will always render the church ready and willing to listen to any scriptural arguments he may adduce, and to strive to bring about a right and harmonious adjustment of the matters under consideration; but his views and decisions, as such, have no authority or binding power whatever, and are entitled to no more weight than the mere opinions of private individuals. If the civil magistrate has no proper ecclesiastical jurisdiction, and of course no right, when he decides upon ecclesiastical questions, to require or expect the reverence and submission even of private individuals, or of men in general, still less are his decisions upon these points, as such, entitled to reverence and submission from those who, and who alone, have jurisdiction in these matters,—who have a right to dispose of and decide all such questions,—and who are the only competent party for authoritatively regulating them.

These views are clearly sanctioned by the thirtieth and thirty-first chapters of the Confession; they are involved in the leading

proposition of that very section of the twenty-third chapter which we are considering,—namely, that “the civil magistrate may not assume to himself the power of the keys;” and there is nothing whatever in the remainder of the section that is in the least inconsistent with them. Upon the grounds which we have thus rather hinted at than explained, it is evident that the whole section may be paraphrased in this way: No civil authorities may assume to themselves the preaching of the word, the administration of sacraments, or the exercise of the ordinary government of the church, in determining authoritatively and judicially questions that may arise as to the admission of men to ordinances and to office, and as to the infliction or relaxation of church censures; for all this belongs, according to Christ’s appointment, to the sphere or province of ecclesiastical office-bearers and church courts. But though this is true, and must not be forgotten or disregarded, it is also true, and perfectly consistent with this, that the civil magistrate, acting in his own province, and in the exercise of the authority and jurisdiction competent to him as such, is entitled and bound to aim at, and to try to promote, all those objects which ecclesiastical office-bearers are bound to aim at—everything comprehended under the general heads of the welfare of true religion and the purity and prosperity of the church of Christ,—nay, he is not altogether excluded even from meetings of synods or church courts, who alone are the parties authorized by Christ judicially to entertain and decide these points; for in the discharge of the duty incumbent upon him to promote the unity and peace of the church, etc., he is entitled to call synods and to be present at them; and though not entitled to exercise any judicial authority in controlling or altering their decisions, *so as to impose upon them any obligation to obedience, as if he were a higher authority in these matters than they*, yet even there he is to exercise any influence or authority which he may lawfully possess, with the view of effecting that their decisions shall be according to the mind of God. The words in the latter part of the section do not necessarily or naturally imply more than is here admitted or declared as to the interference or authority of the civil magistrate in regard to religion and the church of Christ; while the ascription to him of anything beyond this, and more especially of any proper jurisdiction, or right to regulate the views and conduct of others in these matters, is flatly inconsistent with other parts of the Confession itself, and with the first and leading clause of this very section.

The Confession of Faith, then, unequivocally and consistently supports these leading positions, which are perfectly adequate for the satisfactory vindication of our whole case,—namely, that the word of God is the only rule by which the affairs of Christ's church ought to be regulated, and that ecclesiastical office-bearers are alone possessed of jurisdiction in ecclesiastical matters, or the right of interpreting and applying Christ's laws for the actual regulation of the affairs of His kingdom; although the civil magistrate, and all other persons, are fully entitled to interpret and apply them for the discharge of their own duty and the regulation of their own conduct.

Our opponents, in referring to the twenty-third chapter, always talk as if they regarded it as ascribing proper jurisdiction in ecclesiastical matters to the civil magistrate; but whether or not they really mean to assert that he has jurisdiction in ecclesiastical matters, they have never ventured to tell us. Is there no man among them who will venture to lay down, in a frank and manly way, and in distinct and explicit propositions, what they hold, as to the nature, extent, and limits of the power or authority which the word of God and the standards of the church ascribe to the civil magistrate, *in sacris*, or *circa sacra*? They have the civil power on their side, and they seem to reckon this quite a sufficient reason for dispensing with anything like a fair and manly attempt to defend, or even to state, their principles.

The writings of Gillespie and Rutherford have been appealed to by our opponents, as affording illustrations of the meaning of the twenty-third chapter of the Confession, and testimonies against our principles; but nothing has been produced from them inconsistent with the interpretation we have given of the Confession, or with the leading principles we hold, as opposed to those which seem to be involved in the statements and conduct of our opponents. It is very easy to prove these propositions concerning the writings of Gillespie and Rutherford:—first, that in the general substance of their doctrines, and in many particular statements, they distinctly support the principles in regard to the proper relation of the civil and ecclesiastical authorities now held by the church; and, secondly, that nothing has been produced from their writings inconsistent with the principles now held by the church, except in so far as some of their statements seem to extend the magistrate's power *in civilibus circa sacra*,—that is, the exercise of his rightful jurisdiction over the persons and property of men for



promoting the interests of religion and the welfare of the church,—to a length which would now be regarded as involving persecution.

But by far the most direct and satisfactory illustration of the meaning intended to be put upon the twenty-third chapter of the Confession by those who originally adopted it as the standard of the church's doctrine, is to be found in the "Hundred and eleven propositions concerning the ministry and government of the Church," published, and virtually, though not formally, sanctioned by the Assembly of the Church of Scotland of 1647, the same Assembly which adopted the Confession. Baillie and Gillespie had been appointed to prepare these Propositions as a testimony against "the errors of Erastianism, Independency, and what is falsely called liberty of conscience." They were prepared by Gillespie, and were submitted to the Assembly of 1647, for the purpose, and with the expectation, of their being adopted as a public testimony upon these subjects. The Assembly had not time fully and carefully to examine them; but having approved of the substance of them, comprehended in eight propositions, ordered them to be printed, that the church, and especially the theological faculties, might accurately examine them before next Assembly. The disputes about the Engagement prevented the matter from being resumed in the Assembly of 1648; but as they were intended and expected by Gillespie to be adopted by the Assembly, they furnish the most satisfactory evidence of what he at least understood to be the general mind of the church. This important document, though beyond all question the best evidence as to the meaning of the Confession, except the Confession itself, seems to have escaped the researches of Lord Medwyn, and of any of our opponents who have dabbled in this matter. And as Lord Medwyn recommends "the advocates of the recent proceedings of the church" to read the 8th chapter of Book II. of Gillespie's *Aaron's Rod*, with which many of them were familiar long before his Lordship began his studies upon this subject, and which contains nothing opposed to our principles, and a great deal that decidedly supports them, I would recommend him to read these Propositions, of which I am pretty certain that he is totally ignorant.

They make it manifest, beyond all reasonable doubt, that the Confession was not intended to sanction any ecclesiastical jurisdiction in the civil magistrate, or any right of authoritative interference in the concerns of the church of Christ; and they decidedly support the principles held by "the advocates of the recent pro-



ceedings of the church." I shall give some extracts in proof of this, although the evidence cannot be brought out in all its strength without a perusal of the whole.

4. "The Church ought to be *governed by no other persons than ministers and stewards preferred and placed by Christ, and after no other manner than according to the laws made by Him*; and, therefore, there is no power on earth which may challenge to itself authority or dominion over the Church. But whosoever they are that would have the things of Christ to be administered, not according to the ordinance and will of Christ revealed in His word, but as it liketh them, and according to their own will and prescript, what other thing go they about to do than by horrible sacrilege to throw down Christ from His own throne?"

5. "For our only Lawgiver and Interpreter of His Father's will, Jesus Christ, hath prescribed and fore-appointed the rule according to which He would have His worship and the government of His own house to be ordered.

"To wrest this rule of Christ, laid open in His Holy Word, to the *counsels, wills, manners, devices, or laws of men, is most high impiety*. But contrarily, the law of faith commandeth the counsel and purposes of men to be framed and conformed to this rule, and overturneth all the reasonings of worldly wisdom, and bringeth into captivity the thoughts of the proud-swelling mind to the obedience of Christ: *Neither ought the voice of any to take place, or be rested upon in the Church, but the voice of Christ alone.*"

6. "The same Lord and our Saviour Jesus Christ, the only Head of the Church, hath ordained in the New Testament not only the preaching of the word and administration of baptism and the Lord's Supper, but also ecclesiastical government, distinct and differing from the civil government; and it is His will that there be such a government distinct from the civil in all His Churches everywhere, as well those which live under Christian, as those under infidel, magistrates, even until the end of the world."

41. "The orthodox churches believe, and do willingly acknowledge, that every lawful magistrate, being by God Himself constituted the keeper and defender of both tables of the law, may and ought first and chiefly to take care of God's glory, and (ACCORDING TO HIS PLACE, OR IN HIS MANNER AND WAY),\* to preserve religion when pure, and to restore it when decayed and corrupted: and also

\* This important clause is in the Latin translation which was published at the same time, and rests upon the same authority, "*atque more modoque suo.*"

to provide a learned and godly ministry, schools also and synods, as likewise to restrain and punish as well atheists, blasphemers, heretics and schismatics, as the violators of justice and public peace."

95. "Christian magistrates and princes embracing Christ, and sincerely giving their names to Him, do not only serve Him as men, but also use their office to His glory and the good of the Church; they defend, stand for, and take care to propagate the true faith and godliness; they afford places of habitation to the Church, and furnish necessary helps and supports; turn away injuries done to it, restrain false religion, and cherish, underprop, and defend the rights and liberties of the Church; *so far they are from diminishing, changing, or restraining those rights; for so the condition of the Church were in that respect worse, and the liberty thereof more cut short, under the Christian magistrate, than under the infidel or heathen.*"

96. "Wherefore seeing these nursing-fathers, favourers and defenders, can do nothing against the truth, but for the truth, nor have any right against the gospel, but for the gospel; and their power in respect of the Church whereof they bear the care, being not privative or destructive, but cumulative and auxiliary, thereby it is sufficiently clear that they ought to cherish, and by their authority ought to establish the ecclesiastical discipline; but yet not with implicit faith or blind obedience;—for the Reformed Churches do not deny to any of the faithful, much less to the magistrate, the judgment of Christian prudence and discretion concerning those things which are decreed or determined by the Church."

97. "*Therefore, as to each member of the Church respectively, so unto the magistrate, belongeth the judgment of such things, both to apprehend and to judge of them; for although the magistrate is not ordained and preferred of God, that he should be a judge of matters and causes spiritual, of which there is controversy in the Church,* YET IS HE QUESTIONLESS JUDGE OF HIS OWN CIVIL ACT ABOUT SPIRITUAL THINGS; namely, of defending them in his own dominions, and of approving or tolerating the same; and if, in this business, he judge and determine according to the wisdom of the flesh, and not according to the wisdom which is from above, he is to render an account thereof before the supreme tribunal."

98. "However, the ecclesiastical discipline, according as it is ordained by Christ, whether it be established and ratified by civil authority or not, ought to be retained and exercised in the society of the faithful (as long as it is free and safe for them to come

together in holy assemblies), for the want of civil authority is unto the Church like a ceasing gain, but not like damage or loss ensuing; as it superaddeth nothing more, so it takes nothing away."

On the subject of the magistrate's function and duty about synods, which some may perhaps think the most difficult part of the twenty-third chapter, the Propositions are particularly explicit.

51. "The magistrate calleth together synods, not as touching those things which are proper to synods, but in respect of the things which are common to synods with other meetings and civil public assemblies,—that is, not as they are assemblies in the name of Christ, to treat of matters spiritual, but as they are public assemblies within his territories."

65. "By his command he assembleth synods when there is need of them. He maketh synods also safe and secure, and in a civil way presideth or moderateth in them (if it so seem good to him), either by himself, or by a substitute commissioner: in all which the power of the magistrate, though occupied about spiritual things, is not for all that spiritual, but civil."

This evidence is sufficient as to the meaning which the Confession of Faith truly bears, and which was intended to be put upon it by those who framed and adopted it.\*

\* The Act of the General Assembly of the Church of Scotland in 1647, by which she approved and adopted the Westminster Confession of Faith, contains the following explanation of the sense in which she understands and receives certain statements of the Confession in regard to the power of the Civil Magistrate in connection with the church:—"Lest our intention and meaning be in some particulars misunderstood, it is hereby expressly declared and provided, That the not mentioning in this Confession the several sorts of ecclesiastical officers and assemblies, shall be no prejudice to the truth of Christ in these particulars, to be expressed fully in the Directory of Government. It is further declared, That the Assembly understandeth some parts of the second article of the thirty-one chapter only of kirks not settled or constituted in point of government; And that although, in such kirks, a synod of Ministers and other fit persons may be called by the Magistrate's authority and nomination, without

any other call, to consult and advise with about matters of religion; and although, likewise, the Ministers of Christ, without delegation from their churches, may of themselves, and by virtue of their office, meet together synodically in such kirks not yet constituted, yet neither of these ought to be done in kirks constituted and settled; it being always free to the Magistrate to advise with synods of ministers and ruling elders, meeting upon delegation from their churches, either ordinarily, or, being indicted by his authority, occasionally, and *pro re nata*; it being also free to assemble together synodically, as well *pro re nata* as at the ordinary times, upon delegation from the churches, by the intrinsical power received from Christ, as often as it is necessary for the good of the Church, so to assemble, in case the Magistrate, to the detriment of the Church, withhold or deny his consent; the necessity of occasional assemblies being first remonstrated unto him by humble supplication." (Edrs.)

power was conferred by our Lord upon the apostles in the words above quoted, and that from them it has descended to all who are legitimately invested with the priesthood.

Protestants usually admit that the words seem, *prima facie*, to favour this notion, so far as the apostles are concerned. And the ground they usually take in opposing the doctrine of the Church of Rome upon the subject may be embodied in the following positions :—First, That whatever might be the case with the apostles, there are very clear and conclusive grounds in Scripture for denying any such power, as Popish priests pretend to exercise, to uninspired and fallible men ; and that if the words necessarily import the bestowal of a power to remit and retain sins upon earth, the exercise of which is to be certainly and invariably ratified in heaven, it must be confined to the apostles, and cannot be extended to an uninspired fallible priesthood in succeeding ages ; and, secondly, That there is a sense, opposed to the Popish one, but in accordance with the analogy of faith and the general tenor of Scripture, in which the words may be regarded as extending to the office-bearers of the church in all ages, and as descriptive of a power which they still possess, and are entitled to exercise.

Although the Church of Rome does not hesitate to inculcate the general doctrine that no one can be admitted into heaven unless the door be opened by the priests, and labour most strenuously to impress this upon men's minds, she is of course obliged to qualify this position to some extent, in order to conceal its palpable inconsistency, taken in its proper import, with Scripture and common sense. Accordingly, Papists admit that the absolution of the priest in the sacrament of penance is certainly ratified in heaven *only* when it has been preceded not only by confession, but also by *contrition*, or at least by *attrition*, which is an inferior and defective species of contrition, on the part of the penitent. If contrition be necessary to forgiveness, and if it be also true, that wherever contrition or true repentance is exercised, forgiveness is bestowed by God, then it is plain, from the nature of the case, that no sentence pronounced by a priest can in substance amount to more than a declaration that in his judgment, or so far as he sees, real and sincere contrition exists, and such a judgment or declaration can be of material importance as a ground of confidence and comfort only if the priest—every priest—is invested with infallibility, or the power of discerning spirits. God, in His word,

has connected the forgiveness of sin with faith and repentance, and has assured us that whenever these graces are exercised, forgiveness is bestowed. He has not delegated to men any power of bestowing forgiveness at their own discretion ; He has Himself settled the conditions on which the gift is conferred, and no room is left for human agency in the matter, except to judge in their own cases, or in the case of others, whether or not the conditions have been complied with. And this, of course, men will do fallibly, or infallibly,—in other words, so that their judgment shall always coincide with God's, and be certainly ratified by His,—just as God does not, or does, give them infallible guidance in this matter.

These general principles are so clearly accordant with the whole tenor of Scripture, that Papists have been obliged to admit, that when men really exercise contrition or godly sorrow for sin, the guilt is remitted before, and without the absolution of the priest in the sacrament of penance. This might seem to overturn their whole doctrine and practice upon the subject ; and so it would but for a very singular and characteristic contrivance. They assert that contrition, or godly sorrow for sin, though commanded by God, is attainable by very few—rather a singular position to be maintained by those who at the same time teach that men can obey the whole law of God, and can supererogate—and that if it were indispensable, few could ever obtain forgiveness. They have therefore invented what they call *attrition*,—a defective and imperfect kind of penitence, resembling more, from the descriptions they give of it, the sorrow of “the world which worketh death,” than “the godly sorrow which worketh repentance unto salvation.” This attrition is more easily attainable, and of course is much more common than contrition, but then it is not so efficacious. It does not, like contrition, secure forgiveness without absolution by the priest ; but when followed by priestly absolution, it makes forgiveness certain. Thus they plainly make the act of the priest pronouncing a sentence of absolution to serve as a *substitute* for a state of mind and heart which God's word requires. And there is perhaps no one single point in which the Church of Rome has so directly and explicitly perverted the scriptural plan of salvation by means of outward ceremonies and observances. In most other departments of the Popish system, Satan has trusted to the natural tendency of the enforced observance of rites and ceremonies to lead men to disregard or neglect

the state of their minds and hearts, without formally committing himself to an explicit declaration that the one will serve as a substitute for the other. But in this instance he has taken a bolder and more decided course, and his success has fully established the soundness of his policy. The admission that contrition secures forgiveness before and without absolution, is a reluctant concession to these scriptural principles; and the invention of attrition, which is not sufficient of itself, but which secures forgiveness when accompanied with confession, and followed by the absolution of the priest, is a bold stroke to repair the effects of this concession. Of course, Papists who act upon the principles of their church have no sense of the obligation of contrition, or godly sorrow for sin, though God's word requires it, and will usually be contented—(especially as they are carefully taught that no man can ever be sure that he has it)—with having attrition, or something they don't know what, since this, when followed by absolution, certainly effects all they wish for.

It is scarcely necessary to observe that these scriptural principles above referred to, which have extorted from Romanists the confession that contrition secures forgiveness before and without absolution, are sufficient, when fairly and fully applied, to overturn their whole doctrine about the power of the keys as exercised in conferring absolution in the sacrament of penance. We have not the slightest reason to believe that the apostles were accustomed to pronounce sentences of absolution in the ordinary administration of the affairs of the church as a part of their habitual functions as ecclesiastical office-bearers; but if it could be proved that they were, and if it could further be proved from the words which our Saviour addressed to them, that these sentences of theirs were always and certainly ratified in heaven, still even then we would be entitled to conclude from the scriptural principles referred to, that this result arose solely from their having been enabled to determine in each case with infallible certainty the presence or the absence of faith and contrition; and that consequently absolution in the Popish sense, as a sentence, always and certainly ratified in heaven, is entitled to no regard whatever, unless it be exercised by men who have the same infallible power of discerning spirits. It is generally admitted that some gifts were conferred on, and some promises made to, the apostles which were intended for themselves personally, and were not to be enjoyed by, or



fulfilled in, their successors in the ordinary government of the church in subsequent ages. And we must decide in each case, by a deliberate conjunct view of the whole circumstances, and of the whole tenor of Scripture bearing upon the matter, whether the gift or promise was intended to be peculiar and temporary, or ordinary and permanent. There are abundant scriptural grounds for the conclusion that, if the apostles possessed and exercised the power of remitting and retaining sins, by pronouncing sentences on earth which were always ratified in heaven, this power must have been restricted to them, and to those who enjoyed, like them, the privilege of infallible divine guidance in the execution of their functions. The Popish principle about the power of the keys in absolution necessarily implies that the power of binding and loosing, retaining and remitting sins, was transmitted by the apostles to their successors in the ordinary administration of the affairs of the church in the same sense, and to the very same extent, in which they themselves possessed it. Protestants contend, in answer to this position, that a fair application of the whole materials which Scripture supplies on the subject of the forgiveness of sins forces upon us one or other of these two alternatives: *First*, That our Lord did not commission His apostles to pronounce sentences retaining and remitting sins, which should be always and certainly ratified in heaven; or, *secondly*, That this power was not intended to descend, and did not descend, to their uninspired successors. The adoption of either alternative is, of course, fatal to the Popish doctrine upon this subject; and the great scriptural principle remains universally true, that the forgiveness of sin is not tied to, or dependent upon, participation in any external ordinance or any act of a fellow-creature, but that it is invariably connected with faith and repentance, so that whenever these graces are exercised, forgiveness is in point of fact bestowed, and wherever they do not exist, it is withheld; while it can also be proved to be a scriptural doctrine, that men themselves can judge more accurately and certainly whether or not they are exercising faith and repentance, than any one of their fellow-men, even though he be called a priest, and claim the power of the keys.

Romanists, however, as we have said, apply the power of the keys,—the power of binding and loosing,—as a privilege conferred upon the apostles, and transmitted to their successors in the government of the church, not only to the power of absolution,



—of retaining or remitting sins,—but to the whole administration of ecclesiastical affairs; and base upon it all the extravagant claims which the Popes and other Romish functionaries have been accustomed to put forth to be lords over God's heritage; and Protestants likewise have usually admitted that there is a sense in which this power of the keys is possessed, and may be exercised still, by the ordinary office-bearers of the church. The Popish and the Protestant views of this matter are well contrasted in the following extract from what is commonly called the Second Helvetic Confession, which was formally approved of by almost all the Reformed churches: "Concerning the keys of the kingdom of God delivered by the Lord to the apostles, many men prate wonderful things, and out of them forge swords, lances, sceptres, and crowns, and full power over the greatest kingdoms, and over men's souls and bodies; but we, judging simply according to the word of God, say that all ministers lawfully called exercise the power of the keys when they preach the gospel,—that is, instruct, exhort, console, and reprove the people committed to their care, and retain them in discipline. For *thus* they open the kingdom of heaven to the obedient, and shut it against the disobedient."\*

There is one common idea on which both the Popish and the Protestant views of the power of the keys, as still to be exercised in the church, may be said to be based,—namely, that it describes all the ordinary functions to be executed by ministers and other ecclesiastical office-bearers in virtue of the duties which Christ in His word has imposed upon them. And this being laid down as *common* ground, the question as to the power of the keys virtually resolves into this one, which is of wide and extensive application,—namely, What *are* the duties which Christ has imposed upon the office-bearers of His church? In other words, what are the functions which He has authorized and requires them to execute? and what are the general principles by which the execution of these functions, and the results of the execution of them, are to be regulated and judged of? These questions, of course, open up a wide field of inquiry, even into the import and bearing of every statement in the New Testament that indicates anything about the functions which it was Christ's intention that the office-bearers of

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\* Sylloge Confessionum; c. 14, p. 48.

His church should permanently execute. The commission given to the apostles, and the statements contained in Scripture as to the way and manner in which they executed that commission, do not necessarily constitute the whole of the materials that are to be employed in bringing out the doctrine of Scripture upon this subject. And in employing the statements of Scripture as to what the apostles were authorized to do, and in point of fact did, as materials for determining what are the functions that are still to be executed by ecclesiastical office-bearers, and what are the principles that ought to regulate the execution of them, this consideration must be constantly remembered and applied, that in so far as the apostles enjoyed infallible divine guidance, their position was altogether peculiar; and that nothing must be ascribed to their successors in the administration of the affairs of the church which can be rationally based only upon the undoubted possession of infallibility. It is quite consistent in the Church of Rome to lay claim to infallibility; for, in truth, much of what she regards as still included in the exercise of the power of the keys, can be reasonably claimed only by those who enjoy infallible divine guidance. They are accustomed, indeed, to argue in favour of their own claim to infallibility from its necessity to the execution of some of their functions; but a claim to infallibility must be based upon more direct and explicit grounds; and in the entire absence of any scriptural proof that infallible divine guidance has been promised permanently to any definite body of men or succession of individuals, the legitimate mode of argument is this,—That functions to the right execution of which infallibility is *indispensable*, were not intended to continue permanently in the church, and, of course, form no part of the power of the keys as now vested in ecclesiastical office-bearers.

Still Protestants, while fully and faithfully applying to this whole subject the important limitation which has just been adverted to, and insisting that it holds true universally that an appeal lies from fallible men to the infallible word, have very generally regarded the commission given by our Lord to His apostles, as *in some sense* applicable to the office-bearers of the church in all ages; and have ascribed to them, with the limitations which scriptural principles and statements obviously require, a power of binding and loosing,—of retaining and remitting sins. The sense in which this power is still ascribed to ecclesiastical

office-bearers, is thus explained in our Confession of Faith.\* After laying down the great fundamental principle, which is, and was intended to be, an explicit exclusion of all Erastianism,—namely, that “the Lord Jesus, as King and Head of His church, hath therein appointed a government in the hand of church officers, distinct from the civil magistrate,”—it proceeds thus: “To these officers the keys of the kingdom of heaven are committed, by virtue whereof they have power respectively to retain and remit sins,”—(a somewhat startling statement, but explained by what immediately follows),—“to shut that kingdom against the impenitent, both by the word and censures; and to open it unto penitent sinners by the ministry of the gospel, and by absolution from censures, as occasion shall require.” Now, in considering this statement, it is to be carefully observed, that admission into, or exclusion from, the kingdom of heaven, is made *to turn* upon penitence or impenitence in the parties themselves. It is open to the penitent, and to them alone, and shut against the impenitent; while the place assigned to ecclesiastical office-bearers is not necessarily more than the ministerial or auxiliary one of contributing in some way to the result through the medium of the word and censures; or, as it is said in the Helvetic Confession, “by preaching the gospel, and retaining men in discipline.” Ministers can open and shut the kingdom of heaven by the word, only by explaining the statements of Scripture, and by making known to men what are God’s decisions and arrangements in regard to the salvation of sinners. Their binding or loosing is valid and effectual only in so far as their expositions of doctrine and duty correspond with the infallible standard and the written word. If they state the real truth of God, they may in this way become the instruments of promoting men’s eternal welfare; if they misstate or misrepresent it, they will mislead and injure those who may listen to them; but they do not themselves, by any power or authority vested in them, exert any efficiency in producing the result. And as no minister or body of ministers is infallible, so none is to be implicitly followed. An appeal is always competent to the law and the testimony from any declarations as to the meaning and application of Scripture which ministers or churches may make; and each man is not only entitled, but bound, ulti-

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\* C. xxx.

mately to decide for himself, on his own responsibility, what is the way that leadeth to glory, honour, and immortality.

The same in substance holds true also of censures, by which likewise ecclesiastical office-bearers are said to open and shut the kingdom of heaven ; that is, in general, to exert some influence upon men's spiritual welfare. Censures are just the application of the statements of Scripture to the external conduct of men individually, and they are ratified or confirmed by God in their bearing upon men's eternal welfare, *only* in so far as they correspond with the statements of His word, and with the actual circumstances of the case. It can be clearly proved from Scripture, that ecclesiastical office-bearers are vested with authority to admit to, and to exclude from, the outward ordinances of the church ; but admission to, or exclusion from, the visible church does not necessarily affect man's relation to God and the kingdom of heaven. Had God promised to the office-bearers of His church infallible guidance in the execution of their functions, so as to secure that they should always decide according to His word, the case would have been different ; but as He has neither given to them the power of directly and *ipso facto* affecting the eternal destiny of men, by anything they can say or do, or of certainly ascertaining His mind and will regarding them, every one is entitled to appeal from the sentence of any fallible judicatory to the tribunal of Him who searcheth the hearts and trieth the reins of the children of men, and who alone determineth their everlasting destiny.

But it may perhaps be said,—If this be so, how do censures bear at all upon men's spiritual welfare ? What connection have they, in any sense, with opening or shutting the kingdom of heaven ? We answer,—They have the same connection and bearing as the word in a certain class of its statements has. Exclusion by a judicial sentence from the visible church, is just in substance a solemn declaration by the ecclesiastical office-bearers, that they regard the party whom they exclude as maintaining opinions or pursuing a course of conduct opposed to the word of God ; and as the step is one which, in its general nature, it is competent to take,—as the pronouncing of sentences of this sort, when occasion requires it, is a part of their ordinary recognised scriptural functions,—there is a *prima facie* probability of its being well grounded, such as ought to be felt by men as a call upon them to examine the matter with the utmost care and attention, that they may thus

either, on the one hand, see their error and repent of it ; or else, if they take the responsibility of disregarding the sentence, may be very confident, and may be able to assign good grounds for their confidence, that they can appeal from an earthly and fallible, to a heavenly and infallible, Judge. To entitle a sentence or decision upon any spiritual or ecclesiastical matter even to this measure of attention and deference, two things are necessary : First, That it *profess* to be founded upon the word of God, the only law by which the affairs of Christ's church ought to be regulated ; and, secondly, That it be pronounced by persons who are invested with the power of the keys,—that is, with the right of ordinarily administering the affairs of Christ's church, and transacting its ordinary necessary business according to His word. Any sentences or decisions professing to regulate or determine ecclesiastical questions, and not answering to these two conditions, should be at once set aside, as not entitled even to examination. But sentences or decisions to which these conditions apply are entitled to some measure of respect and deference, at least to a careful and deliberate examination ; and as our Confession of Faith says, “ if consonant to the word of God, they are to be received with reverence and submission, *not only* for their agreement with the word, but also for the power whereby they are made as being an ordinance of God appointed thereunto in His word.” This last sentence, indeed, may be regarded as containing the true Protestant explanation of the bearing of the word and censures, as administered by ecclesiastical office-bearers, upon the opening and shutting of the kingdom of heaven,—of all that is or can be implied in the ratification in heaven of the power of binding and loosing, as exercised by fallible men upon earth.

It is proper, however, to notice, in accordance with an observation formerly made, that this statement in the Confession is applied not merely to ecclesiastical censure, but to the whole of the powers and functions exercised by ecclesiastical office-bearers, and to all the judgments or decisions pronounced by them in the exercise of these powers. The general statement of these powers or functions given in the Confession is this : “ It belongeth to synods and councils ministerially to determine controversies of faith and cases of conscience ; to set down rules and directions for the better ordering of the public worship of God, and the government of His church ; to receive complaints in cases of mal-admi-

nistration, and authoritatively to determine the same; which decrees and determinations, *if consonant to the word of God*, are to be received with reverence and submission," etc. etc.\* Now this statement of the powers and functions of church courts includes the whole subject of discipline or censures, though it comprehends also a great deal more; and the principles which directly or by plain implication it lays down in regard to *all* the judgments and decisions of ecclesiastical office-bearers are these: First, That unless they are consonant to the word of God, they are of no force or validity whatever,—are not ratified by God,—and are entitled to no reverence or submission whatever from men; while, of course, the principle that God alone is Lord of the conscience implies that men are entitled to judge for themselves, upon their own responsibility, whether they are consonant with the word of God or not; secondly, That such judgments and decisions, when professedly regulated by the word of God, and pronounced by competent parties,—that is, by ecclesiastical office-bearers,—are entitled to a careful and respectful examination; and, thirdly, That when accordant with the word of God, men, in dealing with and submitting to them, and in their whole views and feelings with respect to them, ought to be influenced not only by a regard to their actual accordance with the word,—though that is the main point,—but also, in addition, by a recognition of God's arrangement in establishing the ordinance of church government, and of its right and efficient working as a divine ordinance in the particular cases under consideration. This is a brief summary of what was taught by the Reformers, and has usually been held by Presbyterians upon the subject; and this is the sum and substance of what, upon a full and deliberate view of all that is said in the Westminster Confession upon the subject, can be shown to be the doctrine which its compilers plainly intended to teach.

The discussion of the whole subject of church power, or the power of the keys, is virtually identical with the investigation of these questions;—What are the functions that are to be permanently executed by ecclesiastical office-bearers wherever a church of Christ exists? And what are the principles by which the execution of these functions ought to be regulated? There is no

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\* C. xxxi. s. 3.

very material difference of opinion requiring consideration as to what the functions are; but there are considerable differences of opinion as to the principles by which the execution of these functions ought to be regulated,—a difference, however, turning mainly upon this general question, namely, the extent of *discretionary* power which has been vested in ecclesiastical office-bearers, and which they therefore are entitled to exercise. The functions usually admitted to be permanently necessary in the church, and therefore to be permanently exercised ordinarily by its office-bearers, were these,—the preaching of the word, the administration of the sacraments, and the transaction of the ordinary business of the church as an organized visible society,—the doing of all that is necessary to be done wherever a church of Christ exists, and is doing all the work to which Christ has called it. Sometimes the power of the keys is employed by theological writers to describe the right to execute, and the actual execution of, the whole of these functions; and it is to this wide sense of the expression that the division of the subject into the two heads of the key of doctrine and the key of discipline is usually applied,—the former comprehending the preaching of the word and the administration of sacraments, and the latter including not merely the infliction and removal of censures,—a limited sense in which the word discipline is sometimes employed,—but the whole practical administration of the ordinary necessary business of the church as a visible organized society.

It is, however, more common, perhaps, to distinguish the power of the keys from the preaching of the word and the administration of the sacraments; and when this distinction is made, then the power of the keys just describes what, according to the former division, is comprehended under the key of discipline. It is plainly in this more limited sense that the expression is used in the twenty-third chapter of the Westminster Confession, which has given rise to so much discussion, when it is said\* “the civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven;” where the power of the keys, being evidently distinguished from the administration of the word and sacraments, *must* mean the administration of the ordinary necessary business

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\* C. xxiii. sec. 3.



of the church as an organized visible society,—a position all the more certain, if it needed confirmation, from the consideration that the compilers may be reasonably regarded as having had in view here the very meagre and defective statement upon the same subject in the thirty-seventh article of the Church of England, where, in explaining the royal supremacy, the magistrate is excluded only from “the ministering either of God’s word or of the sacraments,” without any mention being made of the power of the keys. It is chiefly in this more limited sense that the power of the keys has given rise to much controversy as a subject of general discussion. Almost all parties admit in some sense that the administration of the word and sacraments must be regulated only by the word of God. Some parties, indeed, and especially the Romanists, have greatly limited and perverted this principle in its application; but still, since it is usually admitted in general and in the abstract, it has not by itself formed a direct subject of controversy,—the questions usually discussed here being rather such as turn upon what it is that the word of God really teaches with respect to each doctrine and each sacrament, genuine and spurious. It is true also that even Erastians have generally admitted that the administration of the word and sacraments must be regulated by ecclesiastical office-bearers themselves, according to their own conscientious convictions as to what the word of God prescribes,—at least except in so far as certain questions connected with the administration of the word and sacraments come under the power of the keys in the more limited sense which has been explained.

The functions which are usually admitted to come under the head of the power of the keys in this more limited sense, as distinguished from the administration of word and sacraments, or, in other words, the leading divisions under which the ordinary necessary business of the church as an organized visible society, may be ranked, are these,—the decision of any controversies that may arise in the church about doctrinal or other matters,—the making such regulations as may be necessary to be made in matters connected with the worship of God and the administration of the affairs of the church, the election, ordination, and, when necessary, deposition of office-bearers,—the admission, superintendence, and, when necessary, exclusion from sacraments and outward privileges, of ordinary members of the church. Wherever

into the discussion between the Reformers and the Romanists,—has been so much discussed since, especially in the controversy between the Conformists and Nonconformists in England,—and is of so much practical importance at all times, that I will make a few observations upon it. I mean the power claimed for the church to introduce new rites and ceremonies into the worship of God. The extravagant multiplication of unauthorized rites and ceremonies in the worship of God forms one of the leading characteristics of the Papacy. This tendency, indeed, was early exhibited in the church, and continued to be more fully developed with increasing injury to the interests of religion. They were first introduced as things indifferent in themselves, but fitted, it was alleged, to impress men's minds, and to make the worship of God more solemn and becoming. Then they came to be represented as forming a direct and necessary part of the proper worship which God required, and at length they came to be generally regarded in the Church of Rome, like almost everything else which men did, as meritorious, as peculiarly pleasing to God, and peculiarly fitted to procure tokens of His favour. The climax of these corruptions in the worship of God was the introduction of what was directly and immediately idolatrous, in the worship of angels, saints, and images. All this was in full accordance with the general character and tendency of the Papal system, and fitted to exert a most injurious influence upon men's spiritual welfare.

Luther and his followers, in opposing the Popish corruptions in worship, generally contented themselves with condemning what was properly idolatrous,—though some of them had not very strict notions even upon this point,—exhibiting at the same time the injurious consequences of the vast number of ceremonies with which the worship of God was overloaded, and especially enforcing the danger of the idea of their being meritorious, as inconsistent with the scriptural doctrine of justification, and the principles on which the salvation of sinners is founded. And it was here too that the Reformers of the Church of England stopped, for they expressly assigned to the church\* “a power to decree rites or ceremonies,” with this as the only formal limitation of the exercise of the power,—namely, “that it is not lawful for the church

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\* Art. xx.

to ordain anything that is *contrary* to God's word written." Calvin introduced and established the principle which was adopted by the English Puritans, and has been generally maintained and acted upon, though not always with equal rigour and exactness, by Presbyterian churches,—namely, that it is not enough that a rite or ceremony, an institution or appointment, which it is proposed to introduce into the worship or government of the church, cannot be shown to be directly contrary to the written word, but that it ought not to be introduced unless it can be shown to be positively warranted or sanctioned by the word. This was going to the root of the matter, and it afforded the only firm and stable ground on which men's judgment and conscience could rest.

A statement occurs in the first Scotch Confession, drawn up by John Knox, and adopted in 1568, which has been sometimes appealed to by Episcopalian writers, as sanctioning the principle of their church upon this point. It is there said, "We think not that any one policy, or order in ceremonies, can be appointed for all ages, times, and places; for as ceremonies, such as men have devised, are but temporary, so may and ought they to be changed when they rather foster superstition than edify the kirk using the same."\* Now this, it must be admitted, is somewhat loosely expressed, and I am not prepared to assert that the Reformers, even Calvin himself, would have construed the general principle of the necessity of positive scriptural warrant for rites and ceremonies, quite so stringently as it was usually interpreted by the English Puritans and the Scotch Presbyterians, after it had been subjected to a rigid investigation through controversial discussion. Still I am satisfied that there is good ground for the remark which Calderwood† makes upon this extract from the original Confession, that it is "not to be so taken as if the kirk had power to institute sacred rites, but only to make institutions (that is, appointments) of order and decency in the ministration of such rites and parts of divine service, as the Lord had already instituted;" and I think it can be shown that there are very sufficient scriptural grounds to prove that the principle should be firmly maintained, stringently interpreted, and rigidly applied, with the necessary limitation so cautiously and exactly stated in the Westminster

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\* Scotch Confession, 1560, ch. xx.

† Calderwood, p. 25 of old printed edit. in folio.

Confession,—namely, “That there are some circumstances concerning the worship of God, and government of the church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence, according to the general rules of the word, which are always to be observed.”\* Common sense requires this limitation, and Scripture itself sanctions it; and it is the more necessary to attend to it in stating and discussing this question, because it is very easy to misrepresent and caricature the Presbyterian doctrine upon this subject, as is done even by Hooker in his Ecclesiastical Polity; and because it is chiefly by means of this limitation of the true import and bearing of our doctrine, that the unwarrantableness and unfairness of the common misrepresentations of it by Episcopalians are exposed. But notwithstanding this limitation, and the concession which it appears to involve, there is a clear and broad line of demarcation between the Presbyterian principle upon the subject, and the doctrine that the church has power to decree rites and ceremonies, limited only by this qualification, that it ordain nothing contrary to the written word. The *onus probandi* manifestly lies upon those who ascribe this power to the church, and there is a very large amount of presumption or probability against it.

If God has given us a written revelation conveying to us information as to the way in which He is to be worshipped, the presumption is, that we must take that revelation as our only rule in discharging the duty of worshipping Him, and abstain from exercising our own judgment and our own fancy in devising or inventing what may appear to us fitted to be acceptable to Him. It is much more probable that the inventions of men in the worship of God will be displeasing to Him than the reverse. God has not given either to men individually, or to churches, any power or authority to introduce rites or ceremonies into His worship; and what He has not given or sanctioned, the church assuredly does not possess, and is not entitled to exercise. God has forbidden us to add to His word; and this may be fairly regarded as including a prohibition to derive from any other source than His word, our principles and practices, in regard to anything about which it was one of the leading objects of that word to give us information. Our Saviour has warned us of the vanity and

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\* C. i. sec. 6.

danger of professing to worship God by following the traditions of the elders, or receiving as doctrines the commandments of men. And the Apostle Paul has warned us\* against “a show of wisdom in will-worship,”—a most exact description of the rites and ceremonies which the church has introduced in the exercise of its fancied power. They are *will-worship*, as being invented or devised by men themselves without any warrant or sanction from God, either directly in themselves, or in virtue of any general power or authority which He has conferred; and they have a *show of wisdom*, as some of them were originally introduced from an honest, though mistaken, intention to promote the right and acceptable worship of God; and all of them are professedly directed to that object.

Upon these grounds it can, we think, be clearly shown that the church has no power to decree rites and ceremonies, or to introduce into her worship and government anything which the word of God has not positively sanctioned or authorized; that when the church does so, she is acting erroneously, and ought not to be countenanced or submitted to in the exercise of this unlawful authority; and that when she imposes unauthorized rites and ceremonies as terms of communion,—or, in other words, when she refuses to administer Christ’s ordinances to men, except with these rites and ceremonies accompanying them,—she is exercising a tyranny which men are bound to resist, and affording a sufficient and adequate ground for secession from her communion. If God has plainly enough intimated in His word that it is His will that rites and ceremonies should not be introduced into the worship and government of the church unless they have the positive sanction of the Scriptures, then this implies that everything which is not sanctioned by Scripture is thereby proved to be, *ipso facto*, contrary to Scripture,—the introduction and enforcement of it involving a direct contravention of a general principle or rule which Scripture has prescribed for the regulation of this matter; and the whole history of the church most fully establishes the wisdom of the rule which God has prescribed, by exhibiting the injurious effects of departing from it, both when the exercise of this unlawful power was opposed, and when it was submitted to. In the *first* case it led to division, controversy, and

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\* Col. ii. 23.

persecution,—the guilt of all which, of the controversy as well as the persecution, of the controversy and division even when not followed by persecution,—lay with the introducers and imposers of the unauthorized ceremonies; and in the *second* case, when this authority was submitted to, it fostered the tendency, always more or less fully manifested, to indulge in feelings of superstitious veneration with reference to things that ought not to be venerated, and led men to substitute practically rites and ceremonies of man's invention instead of those appointed by God,—nay, even to substitute these devices of man's wisdom instead of the weightier matters of the law,—the practical duties of true religion.

In the Puritan controversy in England, the Conformists, who defended the constitution and laws of the church, and the imposition of all her unscriptural rites and ceremonies as terms of communion, usually took this ground,—that there was nothing anti-scriptural or on any ground unlawful in the things themselves imposed; and that being imposed by the exercise of lawful authority, both civil and ecclesiastical,—both by the State and the church,—it was the duty of the whole community to comply with them. The Nonconformists or Puritans insisted that, before entertaining the question whether these rites and ceremonies ought to be complied with and submitted to, there was a previous question to be settled, namely, whether they ought to be imposed, and imposed as terms of communion,—that is, upon the conditions that men who would not consent to practise them should be excluded from the ministry, and that men who would not consent to receive Christ's ordinances with these accompanying rites and ceremonies should be excluded from the communion of the church. Now upon this previous question, whether they ought to be imposed, the Puritans had no difficulty in showing that, even independently of a denial of the right or power of the civil and ecclesiastical authorities to introduce and impose such ceremonies, they ought not to have been introduced and imposed,—first, Because of the scriptural obligation of the general principle to which we have referred,—namely, that it is wrong to introduce into the worship of the church rites and ceremonies which are not positively sanctioned by Scripture; and, secondly, Because the manifest tendency of the introduction and imposition of these things, as established by a survey of human nature and the

testimony of experience, is to injure the interests of true religion, and to disturb the peace of the church. The establishment of these positions was of course amply sufficient to prove that they ought not to have been introduced and imposed, and that the parties doing so were violating their obligations and committing sin. This ought to have settled the controversy against the Church of England, whatever might become of the *second* question, namely, whether, having been introduced and imposed, they should have been complied with or submitted to? But this question also admitted of a satisfactory answer in the negative,—though, in order to establish the negative conclusively, it might be necessary to look not merely to the things themselves introduced and imposed, but to the power or right which the parties claimed to do so. There was certainly no obligation lying upon men to comply with or submit to them, because the parties introducing and imposing them had no right or authority to do so, and of course could not impose a valid obligation upon others to obedience in the matter. The civil authorities had no legitimate power or jurisdiction in ecclesiastical matters, and the ecclesiastical authorities had no legitimate power or jurisdiction even in ecclesiastical matters, except what the word of God conferred, and within the limits which it prescribed. On these grounds the Puritans proved that they were under no obligation to comply with and submit to the rites and ceremonies of the Church of England, but might lawfully—that is, without violating any duty or committing any sin—separate themselves from her communion. They did more than this, however. They proved that they were not at liberty to concede, and that they were bound to refuse compliance and submission; and they rested this conclusion upon these two grounds:—First, That compliance or submission would have implied, in all fair construction, an acknowledgment of the lawfulness of the power or authority claimed and exercised in introducing and imposing them; and, secondly, That it would have made them partakers in the wrongness of the things themselves so introduced and imposed.



## CHAPTER X.

### PRINCIPLES OF THE FREE CHURCH. \*

THE Essay, entitled "Presbytery Examined," by the Duke of Argyll, was originally intended as a contribution to a periodical work, in the shape of a review of some of the publications of the Spottiswoode Society. The "Spottiswoode" was a society formed a few years ago in Edinburgh, and now, we believe, extinct, for republishing the works of Scottish Prelatists in defence of their peculiar principles and polity. These publications are specimens of prelatic controversial discussion in its worst form, and in its most offensive spirit; and are accompanied with notes, which prove that Scottish Prelacy retains, in our own day, the principles and the temper which made it so odious to former generations, and which have secured for it the deep and lasting disapprobation and dislike of the Scottish people. The Essay, however, begun with this view, gradually extended, and it now appears in the shape of a goodly volume, divided into two parts,—the first, which occupies about two-thirds of the book, presenting a pretty full and elaborate survey of the ecclesiastical history of Scotland from the Reformation till the Revolution; and the second giving an exposition and illustration of the leading principles which the noble author regards this historical survey as suggesting. To this there is added an Appendix of Notes, chiefly directed against the principles and reasonings of the Free Church, and pervaded by a considerable amount of severity and bitterness.

It is greatly to be regretted, for the noble Duke's own sake, that the work should have been an occasional one—should have been, in some measure, the result of circumstances, and not of a deliberately-formed and well-digested plan. With all the ability

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\* NORTH BRITISH REVIEW, No. xx., February 1849. Art. 6.—"*Presbytery Examined:*" *An Essay, Critical and* | *Historical, on the Ecclesiastical History of Scotland since the Reformation.* By the DUKE of ARGYLL.

which the Essay manifests, it displays likewise a good deal of confusion—a want of distinct and definite principles ; and it contains some indications that its noble author is not altogether unconscious that he has not attained himself, and presented to others, a clear, consistent, well-digested system of doctrines as to the relations of the civil and the ecclesiastical authorities. It was highly honourable to the Duke of Argyll that he should have thought of writing a review of the Spottiswoode publications, and exposing the true character and tendency of Scottish Prelacy, and of church principles :—for this he was well qualified, and this part of his task he has executed most successfully. But it would, we think, have been better if, for the present, he had confined himself to this topic, and given a little more time to reading and reflection, so as at least to have formed a definite and consistent scheme of opinions for himself, before he ventured to pronounce, and to pronounce so dogmatically, upon all the great questions involved in the controversy *inter imperium et sacerdotium*. The old Scottish Presbyterians, whom his Grace so freely charges with extravagance and fanaticism, had read much more extensively, and had reflected much more profoundly, upon these subjects than he has yet done ; and we have no doubt that their views, as to their substance, are quite able to stand, without injury, a much more careful and elaborate investigation than that to which he has subjected them.

His Grace's present position, ecclesiastically, is not favourable to a deliberate and impartial investigation of these questions ; and we fear that he has allowed the position which he has chosen to occupy to affect his opinions, instead of letting his opinions, fairly and freely followed out to their legitimate consequences, determine his position—his ecclesiastical relations. In the early part of the year 1842, his Grace, then Marquis of Lorn, published a "Letter to the Peers, from a Peer's Son," on the constitutional principles which were involved in the Auchterarder Case, and which soon after led to the disruption of the Church of Scotland. In this pamphlet, which exhibited a very remarkable specimen of precocious talent, and an intrepidity and elevation of tone which reminded men of his heroic and martyred forefathers, he proved, most ably and conclusively, *first*, that by the existing laws and constitution of Scotland, the church was legally entitled to do what she did in the case of Auchterarder—namely, reject the pre-

sentence of the patron upon the ground of the opposition of the congregation; and, *secondly*, that even conceding, for the sake of argument, that this proceeding of the church was, under the statutes, illegal and *ultra vires*, the utmost extent of interference legally competent to the civil court in the matter, was to find that the patron, in consequence, was entitled to retain the fruits of the benefice; and that the control or jurisdiction over the proceedings of the church courts which the civil courts assumed, was thoroughly precluded by the fundamental principles of the constitution of Scotland,—by the powers which the statutes did not indeed confer upon the church, but sanctioned or ratified as vested in the church *jure divino*. His Grace then conclusively and unanswerably established these important positions; and he still holds them to be true, having unequivocally declared his adherence to them in the Essay which we are now considering.

It might have been expected that, when the Legislature sanctioned the violation of the constitution which the proceedings of the civil courts involved, every one who held these positions would have felt himself called upon, in consistency, to cast in his lot with the Free Church. The Duke of Argyll, however, took a different course, and continued a member of the Scottish Establishment; and we fear that, in doing so, he was somewhat influenced, though no doubt unconsciously, rather by some of the accidents and accompaniments of the subject, than by a deliberate and impartial investigation of its intrinsic merits. This position and procedure were certainly not favourable to progress in the clearness and soundness of his conceptions with regard to the principles that ought to regulate the relations of Church and State, or of the ecclesiastical and civil authorities; and it is an easy matter to show, by a comparison of his "Letter to the Peers" with his "Essay on the Ecclesiastical History of Scotland," that his views upon this subject are more indefinite and erroneous in 1848 than they were in 1842. If the Duke of Argyll had seen it to be his duty to join the Free Church in 1843, instead of adhering to the Scottish Establishment, we have no doubt that he would now have possessed a much better-defined and more accurate knowledge of the relations of the civil and the ecclesiastical than his Essay exhibits; and that he would also have enjoyed a more assured conviction of the firmness and consistency of his position, than, notwithstanding the dogmatism

and severity with which he frequently assails Free Church principles, we feel called upon at present to concede to him.

We mean to give a brief notice of what we reckon erroneous in the Duke of Argyll's Essay; but it is only an act of justice to quote a brief passage, in which he declares his present adherence to those great constitutional principles which he advocated with such singular ability when Marquis of Lorn:—"The struggle which has ended in the formation of the Free Church, originated very much in the same cause from which all the former struggles of Presbytery began. It arose from the principles of Presbytery being infringed—in violation of natural right and of positive institution—by an unconstitutional statute. It became more determined from a still more unconstitutional use being made of that statute's provisions; and its fatal result was precipitated by the most blind and prejudiced obstinacy on the part of the civil government. The Government of 1637 were hardly more ignorant of the elements they had to deal with than the Government of 1842. The former believed that very few would ultimately resist the Liturgy, until they heard of the aspect and of the arms of the thousand 'Supplicants' who crowded the streets of Edinburgh. The latter believed that only some five—or ten—or twenty ministers would maintain their principles at the expense of their livings, until they heard of the number of that resolved procession which, on the 18th of May 1843, tramped with psalm-singing from the Assembly Hall to the Canonmills.\* There is this difference to be marked, indeed, between the two Governments: That of 1637 had the excuse of bigotry—that of 1842 had not. And it will be recorded in history, not certainly to the honour of those who were responsible, that the institutions of Scottish Presbytery received their most fatal blow under a 'Conservative' Government, and for the sake of a statute manifestly—undeniably—unconstitutional: because passed manifestly—undeniably—in violation of the Revolution Settlement."†

We cordially approve of the Duke of Argyll's views upon the subject of Scottish Prelacy and the subject of Church Principles, and we believe that he has rendered important service to the cause of true religion by what he has said upon these points; but we do not concur with him in the opinion "that Scottish Presby-

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\* This "psalm-singing" is a pure fiction.

† Essay, pp. 230, 231.

tery has left her house of worship needlessly bare of furniture,"\* though we fear that the chief ground on which we rest our disapprobation of his Grace's views upon the subject, will be regarded by him as affording another specimen of that tendency of Scottish Presbyterians, which he so frequently and so earnestly deprecates, to exalt their notions into religious dogmas resting upon scriptural authority. We believe that this position can be established upon scriptural grounds,—namely, that it is unwarrantable and unlawful for men to introduce into the worship and government of the Christian church any rites or arrangements which have not the positive sanction of the word of God. We take this position, of course, with the necessary and reasonable limitation expressed in the first chapter of the Westminster Confession, "that there are some circumstances concerning the worship of God, and government of the church, common to human actions and societies, which are to be ordered by the light of nature and Christian prudence, according to the general rules of the word." Thus understood, we believe the position can be shown to rest upon scriptural authority, and to constitute a law binding upon the church of Christ in all ages. And if so, it fully warrants all that the most rigid Presbyterians have ever maintained and practised. It is true that the considerations urged by the Duke of Argyll, and by Prelatists in general, in favour of a more complete and ornate furnishing of the "house of worship," derived from certain features and tendencies in man's constitution, have some measure of plausibility, and can be made to wear a sort of philosophical aspect; but we think it no difficult matter to show, that it is a much sounder and deeper philosophy which demonstrates, both from an examination of man's constitution and a survey of the testimony of experience, the consummate wisdom of the scriptural prohibition—and of the "bareness" which it demands.

But the main object of this Essay, in addition to that of exposing the true character and tendency of Scottish Prelacy and of Church principles, is to refute the doctrines and reasonings of the Free Church in regard to the distinctness and mutual independence of the Church and the State, and the unlawfulness of the authoritative interference of the civil power in the regulation of ecclesiastical affairs; and the work may thus be fairly

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\* Essay, p. 299.

regarded as an exposition of the grounds and reasons why his Grace—though persuaded that those proceedings of the civil courts which produced the disruption of the Church of Scotland were violations of the constitution of the kingdom—did not consider himself called upon to join the Free Church, but continued in communion with the Scottish Establishment. We shall not attempt to follow his Grace through the details of his historical and critical investigations; but his leading arguments may, we think, be fairly embodied in the following positions; and we propose making a few remarks upon each of them in succession.

First, That the doctrine of the Free Church about the incompetency and unlawfulness of the interference of civil rulers in the regulation of ecclesiastical affairs was not held by John Knox and the original Reformers of Scotland, who had the same views in regard to the relation of the Church and State as Dr Arnold of Rugby!

Secondly, That the doctrine upon this subject held by the subsequent generations of the Scottish Presbyterians, and now maintained by the Free Church, is one “of mere local origin, and of mere local meaning,” the result mainly of circumstances, and of the exaggeration and extravagance which these circumstances produced.

Thirdly, That this doctrine, though plainly taught in the Westminster Confession, has no scriptural authority to rest upon.

Fourthly, That many formidable objections can be adduced against it, especially that it is based upon the ascription of the office and functions of priesthood to ecclesiastical office-bearers,—and that it implies that church courts are the representatives of Christ in such a sense as to be entitled on that ground to implicit submission.

And, fifthly, That the Free Church stands out pre-eminently distinguished even among Scottish Presbyterians for its irrelevant and illogical application of scriptural statements to the defence of its peculiar principles.

1. The Duke is at some pains to establish that John Knox did not teach the doctrine held by the Free Church, and indeed by all Scottish Presbyterians except those now connected with the Establishment, concerning the separation between temporal and spiritual things, and the incompetency and unlawfulness of civil interference in the regulation of the affairs of the church;

but he has produced no evidence that really bears upon the point which he undertakes to prove. The quotations he has given from Knox, and from the Confession of 1560, prove that our Reformers held that the word of God imposed upon civil rulers certain duties and obligations in regard to the prosperity and welfare of the church and the interests of true religion,—requiring them to aim at these objects,—exempting them in the discharge of these duties from implicit submission to the judgment of any other party,—and authorizing them to regulate their conduct in aiming at these objects by a sense of their own direct responsibility to God and His word. The Reformers likewise held that the Church of Rome had made unwarrantable encroachments upon the province of the civil magistrate, in assuming jurisdiction in temporal matters, and in exempting the clergy in civil and criminal questions from the jurisdiction of the ordinary tribunals; and they had no hesitation in calling upon the civil authorities to resist these encroachments, and keep the church within its own proper province. It is quite manifest that the statements of John Knox and our first Reformers, when examined deliberately, and viewed in connection with the occasions which produced them, and the immediate purposes to which they were directed, prove nothing more than this; and afford no ground for the allegation that they confounded the provinces of the civil and the ecclesiastical authorities, or that they ascribed to the civil magistrate any jurisdiction or right of authoritative control over others in ecclesiastical affairs. In short, the power which John Knox and the old Confession ascribed to the civil magistrate, is also ascribed to him by the authors of our second Reformation and by the Westminster Confession. No one can deny that the Westminster Confession ascribes to the civil magistrate a right to a large measure of interference in regard to religious affairs, and imposes upon him obligations with reference to all the matters which are comprehended within the ecclesiastical province; and every one acquainted with the writings of Gillespie and Rutherford must know that it is quite easy to produce from them statements about the power of the civil magistrate in regard to religion, as strong as any that ever proceeded from John Knox.

The truth is, that at the period of the second Reformation and the Westminster Assembly, Presbyterian writers—being generally accused by their Erastian opponents of denying the just



rights of the civil magistrate, because they maintained strictly and resolutely the line of demarcation between things civil or temporal, and things ecclesiastical or spiritual, and denied to him all jurisdiction or right of authoritative control within the church's province—were particularly careful to bring out prominently, and to express strongly, the whole power which they could honestly and consistently ascribe to the civil magistrate in regard to religion; and this was quite as much as John Knox ever conceded to him. The only difference is, that Knox has not laid down the distinction between the provinces and functions of the Church and the State, and the unlawfulness of mutual encroachments, so fully and distinctly as Melville and Henderson and their associates have done, just because the circumstances in which he was placed,—the struggles and controversies in which he was engaged,—did not lead him to do so. But there is no ground whatever for maintaining that he denied or rejected any of the principles which they, or the Free Church, have held upon these subjects. It is well known that Calvin, who died in 1564, had asserted all the fundamental principles which have since been generally held by Presbyterians, and are now held by Free Churchmen, on this point. The account given in the old Confession of the nature and definition, the functions and objects, of the church of Christ,—and these are the points on which this whole controversy really turns,—makes it perfectly palpable that our Reformers never could have concurred, as the Duke alleges they did, in the views of Dr Arnold. And, lastly, the famous letter of Erskine of Dun to the Regent Mar, written in 1571—a year before Knox's death—contains abundant evidence that they held the same views about the distinction between temporal and spiritual powers and functions as their successors, and were quite prepared to act upon them, whenever, in providence, they might be called upon to do so. His Grace is acquainted with this letter, and it is rather a curious circumstance, that, in 1842, he prefixed as a motto to his Letter to the Peers an extract from it, which asserts the substance of all that Scottish Presbyterians and Free Churchmen have ever contended for. His Grace may have since that time seen reason to change his mind, and to adopt the Erastian, anti-Presbyterian views of Dr Arnold; but he ought not to have ascribed these views to John Knox and the Scottish Reformers.

We must also take the liberty of saying, that it is utterly in-

excusable in any man, after all the discussion which these topics have recently undergone, to imagine, as he does, that he gains anything by proving that John Knox held the right of the civil magistrate to "interfere" in religious matters. It will not do now to run off with the vague and ambiguous idea of "interference." A right of interference in religious matters the Westminster Confession unquestionably ascribes to him, and this right no Free Churchman has ever disputed; but the question, and *the only question*, is, whether he has *such* a right of interference as warrants him to exercise jurisdiction or authoritative control in the regulation of the affairs of the church,—such a right or jurisdiction as entitles him to issue direct formal deliverances upon ecclesiastical questions, *and imposes upon other parties a valid obligation to obedience*. We are not aware that any Scottish Presbyterian has ever ventured formally and explicitly to ascribe to the civil magistrate such a right of interference; although it is quite plain that every defender of the existing Scottish Establishment is bound, in consistency, either to ascribe to him this right, or to abandon his present position. We doubt much whether the Duke of Argyll, notwithstanding his having adopted Dr Arnold's views, and notwithstanding his having been able to discover the identity of the views of Arnold and John Knox, would venture to ascribe such a right of interference to the civil magistrate; and yet he ought to have known that nothing, whether in the way of argument or authority, that did not tend to establish *this* right, could afford him any assistance in his assault upon the principles of the Free Church.

2. One great object of the Duke's elaborate survey of the ecclesiastical history of Scotland, is to establish the position, that the views with regard to the distinctness of the provinces, and the independence of the jurisdictions, of the civil and the ecclesiastical authorities, which were maintained by Melville and Henderson, and which his Grace admits to be the same as those held by the Free Church, were merely of local origin and of local meaning, resulting chiefly from the circumstances in which they were placed, and characterized by exaggeration and extravagance. We need not enter into the details by which his Grace labours to give plausibility to this piece of Quixotism. But we are confident that he has proved nothing under this head which could not be shown to apply, more or less, to every arduous and protracted struggle

for truth that has occurred in the history of the church. In every such case, there has been some ground, more or less, for charging even those who were honoured to defend the truth with something like exaggeration and extravagance,—with a tendency to overestimate and overstate the importance of the doctrines for which they were called upon specially to contend and to suffer,—and with the use of language with which the calmer judgment of a subsequent generation might not fully sympathize. We believe that it has never been given to any body of uninspired men to rise wholly, in their precise mode of stating and defending their opinions, even when they were true and sound, above the influence of their position and circumstances,—to avoid exhibiting some traces of the weakness and imperfection of the human faculties. It is well to notice these indications of human infirmity as affording useful lessons; but it is unreasonable to dwell upon them, as if they afforded any presumption against the substantial truth and soundness of the opinions in connection with which they may have been exhibited. We are satisfied that the doctrines of the Scottish Presbyterians of the sixteenth and seventeenth centuries, on the subject of the relation of the civil and the ecclesiastical authorities, can, as to their substance, be successfully defended against all opponents,—except in the one point of their not admitting the views then almost universally rejected, and now almost as universally adopted, upon the subject of toleration and the rights of conscience, and what naturally resulted from this. We are persuaded that, as to their mode of stating and defending them, they need as little the allowance that ought to be made for the common infirmities of human nature, as any body of men who have ever been called upon in providence to carry on a protracted struggle, and to endure much suffering, for great principles; and the Duke of Argyll has produced nothing at all fitted to shake these convictions in the mind of any one adequately acquainted with the subject.

The only thing brought forward by his Grace upon this point, which is at once tangible and plausible, is a statement to this effect,—that the fact that our views about the independent jurisdiction of the church, and the unlawfulness of the exercise of civil authority in ecclesiastical affairs, were not brought out prominently by the first Reformers, but were developed gradually by the struggles with the civil power in which the church became after-

wards involved, affords a proof, or at least a strong presumption, that these views were not really derived from Scripture or sanctioned by its statements. But this notion has no solid foundation to rest upon, and is indeed contradicted by the whole history of the church. A very large experience has fully proved that doctrines which can be shown to be taught in Scripture have been overlooked or disregarded by the church in general, until events in providence brought them out,—pressed them upon men's attention,—and led to a more careful examination and a more accurate apprehension of the scriptural statements which relate to them. Indeed, it might almost be said that scarcely any of the doctrines of Scripture has ever been brought into due prominence,—has been fully explained and illustrated,—and has been stated and defended with perfect precision and accuracy, until events occurred which made it the subject of controversial discussion; until contradictory opinions concerning it were propounded, and were discussed between men of learning and ability taking opposite sides. No one acquainted with the history of the church can regard it as affording even the slightest presumption against the scriptural truth of Free Church principles, that they were first fully and explicitly developed in Scotland by Andrew Melville, in his noble struggle against the unlawful interference of the civil authorities in ecclesiastical affairs.

3. The Duke strenuously contends that Free Church principles about the authoritative interference of the civil power in ecclesiastical matters, though held, as he admits, by Scottish Presbyterians in general since the time of Andrew Melville, and taught in the Westminster Confession, have no foundation in Scripture. His Grace, we have seen, admits that the claims of the Free Church are founded upon the constitution of Scotland, and that the rejection of these claims by the Legislature was a violation of the constitution. The main grounds on which he and others have rested this conviction, are, that these claims are clearly sanctioned by the great charter of 1592, and by the Act of 1690, c. 5, which embodies and ratifies the Confession of Faith. The whole of the Westminster Confession is at once the standard of the church, and a portion of the civil law of the land. The Confession professes to be a summary of what is taught in Scripture on the various topics which it embraces, and to contain nothing which does not rest upon scriptural authority. As such it is

received by the church and by all her office-bearers, and as such it is recognised by the Legislature; so that, if the view taken of the meaning of the thirtieth chapter of the Confession by the Duke of Argyll and the Free Church be correct, we have the united testimony of the Church and the State, that the principles and claims of the Free Church are not only just and sound in themselves, and fully sanctioned by the constitution of Scotland, but also, moreover, that they are warranted by the authority of the word of God. In his "Letter to the Peers," he referred to the thirtieth chapter of the Confession as clearly establishing the principles and claims of Free Churchmen, without any intimation that he did not believe its statements to be in accordance with Scripture, but rather in such a way as seemed to imply that he regarded them as having the sanction of the word of God, as well as of the law of the land. He then said: "The church has declared, *and the constitution has adopted the opinion* (the italics are the Duke's), that her government resides exclusively in the hands of her spiritual office-bearers; and farther, that this separation of jurisdictions is not a mere result of human expediency, created and liable to be cancelled by human laws, but is one of divine appointment, and essential to the well-being of both."\*

It is true that there is nothing in his Grace's present opinions to preclude him from adopting this statement as it stands; but it is more than probable that, if he had believed then, as he does now, that both the church and the constitution were wrong in holding this great principle to rest upon divine appointment, he would have given some indication of this opinion. We fear, then, his Grace's opinions upon this subject have undergone a change, and it is one which we do not regard as an improvement. We cannot but suspect that it is to be ascribed, not to a more deliberate and impartial examination of the subject on its merits, but to the influence of the writings of Dr Arnold, and of the unfortunate position which he has chosen to occupy as an adherent of the Scottish Establishment. His Grace may, perhaps, think that he can consistently remain in the Established Church while maintaining, as he does, that an important article in its creed is inconsistent with Scripture; but he could scarcely have adhered to it, if he had felt himself compelled to admit, that on the precise

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\* "Letter to the Peers," p. 29.

question which produced the Disruption, the principles of the Free Church had the express sanction of the word of God.

It will be proper to quote his Grace's deliverance upon the important doctrine which is taught in the thirtieth chapter of the Confession, and which may be said to be the basis and foundation of the controversies which have attracted so much attention, and led to such important consequences. The doctrine is this: "The Lord Jesus Christ, as King and Head of the church, hath therein appointed a government in the hands of church officers distinct from the civil magistrate." And his Grace's commentary upon it is as follows: "When analyzed, it is simply an assertion: 1st, Of the fact that Christ is King and Head of His church; 2d, That He has appointed a government in the hands of church officers; 3d, That He has ordained that this government should never, under any circumstances, be interfered with by, or merged in, the civil government of society. The first assertion is an indisputable truth,—although a truth of so indisputable and so abstract a nature, that we must watch, with jealous care, the use which controversialists, and priests especially, may make of it. The second assertion is one which has a certain degree of truth in it—enough to make it very easily received and very incautiously handled—so that suddenly we may find ourselves committed to assertions which are not true,—but false. The third is an assertion which I unhesitatingly declare my belief to be utterly groundless and untenable, unsupported by the shadow of proof from any relevant part of Scripture;—unnatural, and at variance with the spirit of the Christian scheme;—and so repugnant to the true instincts of all men, that Presbytery itself has repeatedly and perpetually been flying in the face of its own dogma, whenever that dogma ceased to be serviceable as an entrenchment against assaults upon itself."\*

We must call the attention of our readers to the importance of the admission here made,—namely, that the fundamental principle of the Free Church is clearly sanctioned by this statement of the Confession. Before the Disruption, the controversy was carried on chiefly between two bodies of men in the same church, who had both equally subscribed the Confession, and who professed to regard all its statements as sanctioned by Scripture. The one of

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\* "Essay," Note H., p. 317.

them—those who now form the Free Church—were in the habit of appealing to this doctrine of the Confession as affording a complete sanction to the leading principles which they professed, and to the general course of conduct which they pursued. Those with whom they then argued could not dispute the authority of this statement, which they themselves professed to receive as a doctrine of Scripture. They were unable to distort or pervert its meaning so as to show that it did not sanction Free Church principles and practice, and accordingly, judging discretion to be the better part of valour, they carefully abstained from considering it. During the whole controversy that preceded the Disruption, not one of those who now constitute the Establishment ever ventured to grapple with this statement of the Confession, though often challenged to do so. But now that the Duke of Argyll, a member of their own communion, has publicly maintained, first, that this doctrine of the Confession is untrue, and, secondly, that it fully sanctions Free Church principles, we hope that some of the ministers or professors of the Establishment will be constrained to come forward in defence of their standards and their position; and we trust, that when thus called upon to defend the scriptural truth of one of the doctrines of their standards, they will at the same time embrace the opportunity of supplying the strange omission of which they have hitherto been guilty, by trying to explain how it is that, in consistency with this doctrine, they can oppose Free Church principles, and defend their own.

The Duke has made what we must take the liberty of calling an unworthy attempt to throw discredit upon this statement of the Confession, by perverting a passage from Baillie, describing the circumstances in which the Westminster Assembly adopted it. Baillie's statement is this:—"Coming on the article of the church and church notes, to oppose the Erastian heresy, which in this land is very strong, we find it necessary to say, that;"\* and then follows the passage substantially as we now have it in the Confession. This passage of Baillie has been often quoted by Free Churchmen for the purpose of showing that the statement in the Confession was intended, as it is certainly fitted, to exclude all Erastianism,—that is, the ascription of *any* jurisdiction or authoritative

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\* This is evidently the right punctuation, although Laing's admirable edition of Baillie follows the old one, | which is full of such blunders, in not putting a period before "Coming," and in putting one after "strong."



control to the civil magistrate in the affairs of the church. The Duke's commentary upon it is this:—" *We find it necessary to say!*"—This is a full and accurate explanation of the origin of that passage of the Confession which, in the form I have above examined, reasserts that which Scottish Presbytery had very often 'found it necessary' to assert before.—What we find it 'necessary to say,' we are very easily persuaded to be true."\*

This seems intended to insinuate that the *necessity* under which they acted did not arise from a conviction of truth and a sense of duty, but from some inferior or unworthy consideration, or at best from some temporary controversial emergency. Now, this insinuation is wholly unwarranted by anything said by Baillie, or by anything in the known character or situation of the men. The necessity under which they acted was only that of stating plainly and fully what they believed to be the truth of God upon the point, and of stating it in such a way as to exclude the opposite error, even in the subtlest form into which it might be cast by the able and learned Erastians with whom they had to contend. It was their duty to do this, and it was necessary just because it was their duty. They discharged it well and wisely, and the history of the church proves that in laying down this position they rendered a permanent service to the cause of truth. The English Parliament, under Erastian influence, excepted the thirtieth and thirty-first chapters from their ratification of the Confession.† No such exception, however, was made by the Scottish Parliament in 1690; and the consequence has been, that those who, in the recent controversies, were manifestly acting under Erastian influences, and pursuing an Erastian course of conduct, did not venture openly to avow Erastian principles; and that when the Duke of Argyll fell into the "Erastian heresy," he was compelled openly

\* P. 319.

† Neal's History of the Puritans, Part III. c. viii., and Part IV. c. iii., vol. ii. pp. 429 and 691, of edition of 1837, in 3 vols.

It is a curious and interesting circumstance, that among the instructions sent by the leading Presbyterian divines of Scotland to Sharpe, while their agent in London, at the time of the Restoration, one was that he should labour to procure the civil sanction for these portions of the Confession. Wed-

row has preserved a paper, sent to him from Scotland, and drawn up by Robert Douglas, which contains the following passage:—"For England it is expected from the Parliament thereof that is shortly to sit, that they will ratify the 30th and 31st chapters of the Confession of Faith, as well as the late Parliament (the Long Parliament) hath ratified all the rest of it."—*Wodrow's History; Introduction*, vol. i. p. 15.

to renounce this portion of the standards of his own church. All honour to the far-sighted men who saw the *necessity* which a regard to the permanent interests of truth imposed on them, and acted on it!

We do not mean to enter into any exposition of the scriptural evidence for the doctrine of the Confession, or into any refutation of the Duke's attempt to show that it has none, because this is not a very suitable occasion for such a work,—because his Grace has really done little more than assert, in very strong and dogmatic terms, the irrelevancy of some of the scriptural statements commonly adduced in support of it,—and because we would not like to anticipate the champions of the Establishment, who are no doubt preparing to come forward to defend their standards against his Grace's attack upon them. We think it more important, and more appropriate at present, to give a compendious connected statement of what the scriptural principles are which the Free Church maintains, and which she admits to be necessary, but at the same time holds to be amply sufficient, for the defence of her position, so far as concerns the general subject of the relation between the civil and the ecclesiastical authorities. We have no material objection to make to the Duke's statement formerly quoted, of what is contained in the extract from the Confession so often referred to; but we think that the principles of the Free Church may be stated in such a way as to make more palpable, both their true import and their relevancy to the practical questions on which they have been brought to bear; and in such a way likewise as to include some points not perhaps actually contained in the statement of the Confession, but fairly deducible from it, or intimately connected with it.

The principles of the Free Church, then, upon this subject are these:—

First, That the visible church of Christ, and every branch or section of it, is an independent society, distinct from the kingdoms of this world, and differing from them in many essential particulars,—its origin, nature, constitution, government, subjects, objects, etc.

Secondly, That Christ is its only King and Head, and that He alone can settle its constitution and laws, and determine how its affairs are to be regulated.

Thirdly, That the sacred Scripture is the only rule or standard

for regulating its constitution and laws, and the ordinary practical administration of its affairs.

Fourthly, That the only parties authorized to administer the ordinary affairs of this society, according to the constitution and laws which Christ has prescribed, are ecclesiastical office-bearers, appointed and qualified according to the word of God.

Fifthly, That the civil magistrate, though bound to aim, in the exercise of his lawful jurisdiction in civil or temporal things, at the prosperity of the church of Christ, does not, as such, possess any jurisdiction or right of authoritative control in ecclesiastical or spiritual matters, and of course cannot, by any laws he may pass, or by any decisions he may pronounce, impose a valid obligation to obedience upon the church in general, or upon her office-bearers, in the execution of their respective functions.

Sixthly, That the distinct government which Christ has appointed in His church,—the spiritual or ecclesiastical province—the sphere within which ecclesiastical office-bearers possess jurisdiction, or are entitled to exercise a certain ministerial (not lordly) authority,—comprehends not only the preaching of the word and the administration of the sacraments, but also the whole of the ordinary necessary business of the church as a visible society,—the whole of those processes which must be going on wherever the church is fully executing its functions; in short, the exercise of discipline, including of course the admission and exclusion of members, and the ordination and deposition of office-bearers.

Seventhly, That Christ having established all these arrangements as King and Head of the church, the maintenance of them on the one hand, and the infringement of them on the other, specially concern His honour and dignity as the church's only Head and Ruler.

All these positions, we are persuaded, can be fully established upon scriptural authority,—not indeed by express texts which assert them *in terminis*, but by fair and legitimate deduction from scriptural statements and principles; and being sanctioned not only by the word of God, but also by the law of the land, they form, in their practical application, a conclusive vindication of the course pursued by those who now constitute the Free Church in the struggle which led to the Disruption. There is nothing in them that has any appearance of extravagance, or that seems to go beyond the general scope and strain of scriptural language. They

have been held in substance by almost all Christian churches, except those which, having basely yielded to the usurped authority of the civil powers, were constrained to beat about for something to excuse or palliate their unworthy submission, and with this view were tempted to labour at the task, in which the Duke of Argyll has done his best to aid them, of involving the doctrine of Scripture upon the subject in obscurity and uncertainty. There have, no doubt, been cases in which men have shown an undue tendency to claim scriptural authority for their peculiar notions, and to represent points as settled by Scripture, on which it cannot be proved to have given any deliverance. But the tendency has been far more common, and quite as injurious, to contract unduly the circle of topics in regard to which Scripture gives us sufficient materials for determining our opinions and our conduct, and to represent as open and unsettled,—as affording fair scope for the exercise of human wisdom, the operation of worldly motives, and the influence of temporary circumstances,—subjects which it can be satisfactorily proved that the word of God has irreversibly determined. The allegation of either of these errors in any particular case cannot be established by general presumptions, or by adventitious considerations, but only by an investigation of the precise grounds in which, in each case, scriptural warrant is either asserted or denied. Even if the Duke of Argyll had proved his position, that Scottish Presbyterians have in some instances shown an undue tendency to exalt their peculiar opinions into religious dogmas resting upon scriptural authority, we would still insist that their views upon the distinctness and mutual independence of the civil and the ecclesiastical powers should be tried upon their own merits; and it would then be no difficult matter to show that their principles upon this subject, in the form in which we have stated them, can be proved to have the sanction of the sacred Scriptures, and to constitute the general directory by which the church of Christ, and all its branches,—every society, great or small, calling itself a church of Christ,—ought to be regulated in every age and country.

The Duke admits that there is a good deal of truth and soundness in these general principles, and intimates that he would not object much to receive them, if their supporters would abandon all claim on their behalf to a *jus divinum*, and be contented with a mere *jus humanum*, so as to leave room for the authoritative inter-

ference of the civil power in the government of the church, and for some measure of accommodation to the devices of human wisdom and the influence of external circumstances. He admits that the church is entitled to the privilege of self-government; but he regards this privilege as resting only upon a natural right, such as is common to it with other societies. The whole controversy may be said to turn upon the church's right to the power of self-government, and much may be adduced in confirmation of the views of 'Scottish Presbyterians upon this subject, from the principles of natural right as applicable to societies in general. But the application of the general principles of natural right to particular cases must be regulated by correct views of the origin, nature, and constitution of each society. If the church is a mere corporation, created by the State, and receiving from the State a delegated power of self-government, then of course the State may withdraw or modify this power. But if the church be, by its institution, a distinct and independent society, subject to Christ as its only sovereign, and to His word as its only law, then the principles of natural right, as well as a regard to Christ's authority, reclaim against any other society assuming any jurisdiction over it, and against any party, whether within or without the church, deviating in any respect from the arrangements which He has sanctioned as to its constitution and government.

The church has not a right to self-government even upon natural principles, unless it be a distinct and independent society; and if it be a distinct and independent society, then the principles of natural right are sufficient to establish the inviolability of its title to the power of self-government. If his Grace had been acquainted with the writings of the eminent men who have defended Erastianism in former times, he would probably have admitted that a *jus naturale* might be sufficient to exclude interference and change in the regulation of the affairs of the church, as well as a *jus divinum*. Grotius, a very high authority on such a subject,—and the more so, in some respects, because of his Erastianism,—while conceding it to be naturally just and right that Christian congregations should choose their own office-bearers, denies that this arrangement is so fixed and determined as not to admit of being altered by the interference of the civil power; but even in labouring to support this position, he distinctly admits that a *jus naturale* might establish immutability and exclude

interference, as well as a *jus divinum positivum*.\* But it is only from Scripture that it can be proved to be in its nature and constitution a distinct and independent society; and the same Scripture that establishes this fundamental position, lays down certain general principles as to its constitution and government, its relation to Christ and His word, which, when fairly and honestly applied, exclude the civil power from all right of authoritative interference in the regulation of its affairs, and make it unlawful, as being a violation of duties which Christ has imposed, for the church to be a consenting party to any such interference.

4. We must now hasten to advert briefly to the principal objections which the Duke has adduced against the doctrine that has been generally held by Scottish Presbyterians, in regard to the exclusive jurisdiction of "church officers" in ecclesiastical matters, and the unlawfulness of the authoritative interference of the civil power in the regulation of the affairs of the church. His first and principal objection is, that this doctrine can consistently rest only upon an ascription of the office and functions of priesthood to the office-bearers of the Christian church. But this is a pure misconception, having no solid or even plausible ground to rest upon. We, of course, in common with all Scottish Presbyterians, disclaim the idea of the existence of any priesthood in the Christian church, except the priesthood of Christ. We abjure all intention of ascribing any priestly power to Christian ministers or to church courts; and we maintain, that neither the principles which we hold, nor the arguments by which we defend them, afford any appearance of ground for the allegation on which this objection is based. All that the Duke has adduced in support of this objection is mere vagueness and confusion; and he has made no attempt to apply it, specifically and in detail, either to the statement of our principles, or to the course of argument by which they are commonly defended. His Grace has neither attempted to show that Scottish Presbyterians have ever ascribed any priestly power to church courts, nor to prove distinctly and in detail, that any of the arguments they have used require them in logical consistency to do so. He has done little more than repeat the assertion, that our principles imply, or lead to, the ascription of a

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\* Grotius, "De Imperio Summarum Potestatum Circa Sacra, c. x. sec. 3.

priestly power to ecclesiastical office-bearers. But this matter cannot be allowed to rest upon a mere assertion, or a vague impression of resemblance. We ask his Grace to survey in detail the statement we have given of our principles, and the course of argument by which they are usually defended, and to point out distinctly, where and how it is that the idea of priestly power and function does come in, or in logical consistency should come in; and we are very sure that if he attempt this he will be utterly unsuccessful.

Our principles, indeed, necessarily imply that it is Christ's will that there should be office-bearers in His church, as distinguished from ordinary members; and that these office-bearers should perform certain duties and execute certain functions. We presume that his Grace, being a Presbyterian, will not formally dispute this position; and yet he has made a sort of attempt to evade it or set it aside, by representing the authority and functions of office-bearers as resting solely upon natural principles, and by describing them as merely the representatives of the people. Presbyterian, in common with almost all other churches, reject this notion; and maintain upon scriptural grounds, that it is a part of the constitution which Christ has prescribed to His church, that it should have certain office-bearers, qualified and appointed according to His directions; and that these office-bearers, when so qualified and appointed, have authority from Him, and not merely from those who elected and ordained them, to execute certain functions, and to do so in accordance with His word, without regard to any other rule or standard. It thus appears, that while His Grace unwarrantably charges us with elevating, in opposition to Presbyterian principles, ecclesiastical office-bearers to the position of priests, he has been tempted to fall into the opposite extreme, and to violate Presbyterian principles, by sinking them to the position of mere representatives of the people. Upon scriptural and Presbyterian principles, ecclesiastical office-bearers are neither priests on the one hand, nor *mere* representatives of the people on the other. They are functionaries, for whose appointment Christ has made provision,—whose position and duties He has settled,—and who, when once appointed in accordance with His directions, are both entitled and bound to look to Him as their only master, and to His word as their only rule. A good deal of prominence has been given of late, in op-



position to Popish and High Church claims, to the non-priesthood of ministers and ecclesiastical office-bearers, and to the universal priesthood of believers. These are scriptural and important principles. But it requires some knowledge and discrimination to apply them aright, and to guard them against perversion and abuse. The Duke of Argyll does not understand them, and he has, in consequence, been led into a denial of some important principles with regard to the constitution of the church of Christ, which have always been strenuously maintained by Presbyterians, though not by them exclusively.

So much for the general position and standing of office-bearers in the Christian church, and their general right to execute certain functions. With regard to the precise nature and extent of these functions, our principles do not attach to them anything priestly, and we are not required in consistency to do so by any of the arguments we ever employ. The function of ecclesiastical office-bearers consists in the administration of the ordinary necessary business of the church as a visible society; and no priestly power is involved in, or necessary to, the execution of this function. Indeed, the whole of what we ascribe to them may be defended upon natural principles, as justly and rightfully belonging to the legitimate office-bearers of a society. But we do not rest it solely upon this ground. We think we can prove from Scripture that Christ has attached this function to their office, and that therefore neither the people nor the civil magistrate is entitled to take it from them, or to interfere authoritatively in regulating the mode of its execution. But there is nothing priestly in the nature or constituents of the function; and the unlawfulness of authoritative interference from any quarter is based *solely* upon this consideration, that it is an interference with the provision which Christ has made as to the way and manner in which the administration of the ordinary necessary business of His church, as a visible society, is to be conducted. There is no dispute at present about the preaching of the word or the administration of sacraments. The recent controversy turned only upon the administration of discipline,—that is, in substance, admission to and exclusion from ordinances, and ordination to and deposition from office. And there is certainly no assumption of priestly power necessarily involved in the execution of this function. If there are to be ordinances administered and office-bearers appointed, then this

function must necessarily be executed by some party; and the only question is, to what party Christ has committed it. The party to whom He has committed it, is entitled and bound to execute it, in subjection to Him, and in accordance with His word; and no other party is warranted to assume jurisdiction or authoritative control in the matter.

Let it be observed, that in the statement of our principles, we have said nothing whatever about the bearing of admission to and exclusion from the communion of the visible church, or of ordination and deposition, upon *men's relation to God and their eternal destinies*; and that there is nothing in any part of the argument by which we defend our principles, requiring us to assume any definite position, or to indicate any opinion whatever upon this point. Views have indeed been propounded upon this subject which would fully warrant the charge against their supporters, of claiming for ecclesiastical office-bearers a priestly domination. But these views have never been professed by Scottish Presbyterians. Any deliverance upon this subject is unnecessary either to the statement or the probation of our case, and belongs to a wholly distinct and ulterior question.

The Duke imagines that he makes a very strong point against us when he shows that our Presbyterian principles prevent us from ascribing to church communion and sacraments, to ordination, and to the exercise of the power of the keys, the important results or consequences which Papists and High-churchmen ascribe to them. But this is trifling. We have never put forth any claims to priestly domination, and we have never made any attempt to establish such claims. His Grace seems first to assume that we put forth claims to priestly domination, and then he holds us up to ridicule, because we do not follow out these claims to their legitimate consequences. But the truth is, that we claim nothing more for the church than the right of self-government as a distinct independent visible society. We claim nothing more for ecclesiastical office-bearers than the right of administering, in subjection to Christ, the ordinary necessary business of this society; or of deciding, according to the word of God and their own conscientious convictions, without being subject to any civil or foreign authority, those questions concerning the admission of particular men to office and ordinances which must be continually arising wherever a church exists. We claim this, and nothing more; but we claim it

not merely on natural but on scriptural principles. We claim it on the ground of an arrangement which Christ has made, and has indicated with sufficient plainness in His word, and which, therefore, we are not at liberty either to disregard or to infringe.

It is true, indeed,—and this seems to have confused and misled his Grace, who can scarcely be supposed to be very intimately conversant with these subjects, and ought not therefore to have written so dogmatically about them,—that not Presbyterians only, but Protestants in general, have regarded some of the Scripture texts which the Church of Rome is accustomed to quote in support of the priestly domination which she claims, as applicable in some sense to the ordinary powers of ecclesiastical office-bearers in the administration of the ordinary affairs of the visible church. But he ought to have known, that Protestants have always been careful to point out the distinction between their sense of these passages, and that which Papists attach to them; and he might have admitted the possibility at least, that the Protestant interpretation of them might be true, while the Popish one is false; and that Protestants might be warranted in deriving from them some countenance for their moderate and reasonable claims, without being suspected of participating in the extravagant pretensions to priestly domination which are put forth by the Church of Rome. Enough, we hope, has been said to show the baselessness of his Grace's allegation, that the principles of the Free Church imply an ascription of priestly powers and functions to ecclesiastical office-bearers. It has been shown, that neither in the nature of the function assigned to them, nor in the *only* principle on which there is claimed for them exemption from all authoritative civil control in the execution of this function, is there any ground for this allegation.

We shall now advert to the Duke's second leading objection to the principles of the Free Church,—namely, that they imply a virtual identification of church courts with Christ, in whose name they act, and on this ground claim for these courts infallibility, and demand implicit submission to their decisions. This is a vulgar misrepresentation; and it is easy to show of it, as of the former objection, that it has no solid foundation either in the statement of Free Church principles, or in any of the arguments by which they are commonly defended. We have never claimed infallibility, or demanded implicit submission for church courts; and we have

never propounded any principles that required us in consistency to do so. We have always professed to produce from the word of God the grounds and reasons of the principles we have advocated, and of the course we have pursued. We have always admitted that we were bound to produce scriptural authority for our opinions and practices, and that unless we succeeded in doing this, we had no right to claim assent or approbation. We have professed to produce scriptural warrant for all we have said or done, both about the election of ministers, and about the relation, generally, between the civil and the ecclesiastical authorities. We have never claimed for church courts an *exclusive* right to interpret Scripture, or expected that any man was to receive our opinion or practice as scriptural *because* church courts had asserted it to be so. We have uniformly not admitted merely, but contended, that the civil magistrate is entitled and bound to judge for himself, on his own responsibility, of the meaning of the word of God, and of the scriptural warrant for the decisions and proceedings of church courts, with a view to the discharge of his own duty, whatever that may be, and the regulation of his own conduct in the exercise of his lawful jurisdiction in civil or temporal matters. We have uniformly asserted the same right for every individual—the right of judging upon his own responsibility, whether the decisions of church courts are accordant with Scripture, with a view to the regulation of his own conduct, in so far as he may be affected by them. We have simply contended that church courts, being the parties who are alone authorized to administer the ordinary necessary business of the church as a visible society, should also be left at liberty to act according to their own conscientious convictions of the meaning of God's word, *without being subject to the authoritative control of a party not vested with jurisdiction in that province*. We claim this for them, and nothing more; and we claim it both on the general ground of liberty of conscience, and on the more special ground that Christ has invested them and no other party with this function, and that He has not only not authorized, but has virtually forbidden them, to be guided by any other rule than His own will, as revealed in His word. We can honestly and consistently adopt the words of Richard Baxter, when answering similar misrepresentations adduced against the Nonconformists by prelatic Erastians, "It would satisfy us had we but freedom in our ministerial action, *not to go against our conscience*, however

blind malice would make the world believe, that it is some papal empire, even over princes, that we desire." \*

That this is really the whole extent of the claim which has been put forth in behalf of church courts; and that they have not pretended, while contending for the headship of Christ, to identify themselves with Him, and upon this ground to demand implicit submission, will be evident from considering the way and manner in which the subjects of the exclusive supremacy of the Bible,—the exclusive jurisdiction of church courts in ecclesiastical matters,—and the exclusive headship of Christ over His church, were brought into the controversy which led to the Disruption, and from adverting to the real application that has been made of them in defence of the conduct of the Free Church. The church resolved in 1834, that she would never again intrude ministers upon reclaiming congregations. She did not expect that men were to approve of this principle of non-intrusion, merely because she had adopted it, and resolved to act upon it. She professed to prove that this was a true and sound principle, and obligatory upon the church of Christ. She proved this from Scripture, reason, experience, and her own constitutional standards, not to mention the united testimony of the primitive church and the great body of the Reformers. The civil power interfered, and virtually required the church to abandon this principle, and to resume the old practice of intrusion. The church answered, that she had not changed her mind, and therefore could not change her practice; that she still believed, and undertook to prove, that the principle of non-intrusion was sound and obligatory; and that therefore she could not abandon or violate it. And when further urged to abandon or violate this principle, upon the ground that the civil power required her to do so, her answer was in substance this—that as a church of Christ (for we leave out of view the legal or constitutional aspect of the question) she was not only not bound, but not at liberty, to defer to this requisition of the civil power, *for that* the word of God was the only rule by which the affairs of the church ought to be regulated, and ecclesiastical office-bearers were the only parties authorized by Christ in His word to manage these affairs according to this rule. Of these positions, too, she professed to produce proof from Scripture, and she claimed assent

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\* True and only way of Concord, Part III., p. 126.

to them only upon the ground that this proof was satisfactory. She drew from them this important practical conclusion,—that the civil magistrate has no jurisdiction or right of authoritative control in ecclesiastical matters; and that therefore no enactment or decision of his can cancel the obligation of the church to be guided by the word of God and her own conscientious convictions, and far less can impose upon her an obligation to act in opposition to them. And the practical result of the whole was, that, upon the grounds which have now been stated, the church considered herself warranted simply *to disregard or set aside the adverse interference of the civil power*; to treat it as a non-entity,—as affording no warrant, and imposing no obligation, to change her conduct and to abandon the principle of non-intrusion, which she still believed and proved to be sound and obligatory. These are all the principles, and this is the whole process of argument, that are necessary for the full and conclusive vindication of the conduct of those who now form the Free Church, in their struggle with the civil authorities.

These statements embody the substance of the whole of the strict and proper dialectics of the controversy that led to the Disruption, viewed in its higher aspects,—in its bearing upon the duty and conduct of the church as a church of Christ. Nothing more is necessary for the formal logical vindication of the whole principles asserted, and of the whole course pursued. And we challenge the Duke of Argyll to show that there is anything in the argument that is unsound and sophistical in itself, or that affords any appearance of foundation for the objection which we are considering.

He will say, no doubt, that it is on the views held by the Free Church in regard to the sole headship of Christ, that the objection is based. But this is really nothing better than an evasion. We have taught no doctrine upon the subject of the headship of Christ but what we profess to prove from Scripture; we have claimed assent to our views upon no other ground than the scriptural evidence we could adduce in support of them; *and we have not brought forward the doctrine of Christ's headship as furnishing directly and immediately the proper ground or reason of anything we have done ourselves, or called upon others to do.* We admit that the only inference *directly and immediately* deducible from the doctrine of Christ's sole headship is, that every intimation which He has given

of His will as to the constitution and government of His church, and the manner in which the administration of its affairs should be conducted, ought to be implicitly obeyed. We admit, farther, that this general inference does not, directly and of itself, afford a full vindication of the proceedings which led to the Disruption ; and that with that view, it is needful, in addition, to establish from Scripture the doctrines of the exclusive supremacy of the Bible, and the exclusive jurisdiction of ecclesiastical office-bearers, as involved in or flowing from the doctrine of Christ's sole headship. It is with these two doctrines of the exclusive supremacy of the Bible, and the exclusive jurisdiction of ecclesiastical office-bearers, that we directly and immediately connect the formal defence of our cause as a question of dialectics. We do not introduce the doctrine of Christ's headship as affording a distinct and independent argument on which to rest our vindication ; but rather as the basis and foundation of these two subordinate, but still important, truths, the application of which to the practical matter in hand constitutes the direct and proper argument on which we rest our case, and with which we call upon our opponents to deal.

The headship of Christ, then, is not to be regarded in this matter as a distinct and separate doctrine from the exclusive supremacy of the Bible and the exclusive jurisdiction of ecclesiastical office-bearers,—or as introducing any new and independent element immediately into the strict and proper argumentation of the question,—but as a great general scriptural principle, including or comprehending these two doctrines, furnishing the basis on which they rest, the source from which they spring, the point to which they are attached. The right use and application of the doctrine of Christ's headship in the present question, is not that it should be held forth as the direct and immediate ground of the precise argument by which the course pursued by the Free Church is to be defended against opponents ; but rather, that it should be employed to enforce the importance of the doctrines comprehended under it and flowing from it, on which the strict argument more immediately depends,—to illustrate the deep responsibility connected with the faithful maintenance and the full and honest application of these doctrines,—and to animate and encourage to an uncompromising discharge of the church's duty with respect to everything involved in, or flowing from, or in any way connected with, “the crown rights of the Redeemer,” to whatever dangers



she may in consequence be exposed. This was the use and application made of the doctrine of Christ's headship by the Scottish Presbyterians of the sixteenth and seventeenth centuries ; and this is the use and application made of it by Free Churchmen. No other use or application of it is required by any of the principles they have ever professed, or by any of the arguments they have ever employed in defence of them ; and no other is needed for the full vindication of the course they have pursued. Now, this use or application of it manifestly does not afford a shadow of ground for the allegation that our church courts, in contending for the scriptural doctrine of Christ's headship, and for their own right and duty to follow out all that is involved in it, and all that either directly or by consequence results from it, are identifying themselves with Christ, and are upon this ground virtually claiming infallibility, and demanding implicit submission.

Let the Duke of Argyll contemplate the Free Church case as bearing upon the duty of a church of Christ, not in detached portions, but in its amplitude and totality,—let him attend to the true logical relations of the different parts of which the argument consists,—let him distinguish between what is strictly and properly argumentative, and what is fitted to illustrate the importance and solemnity of the points involved in the argument, and to enforce the discharge of practical duty in regard to them,—and then we think he will be satisfied that this objection is utterly groundless.

5. The Duke, while charging Scottish Presbyterians in general with an irrelevant and illogical application of Scripture in defending their peculiar opinions, tries to show that Free Churchmen have surpassed all their predecessors in the extravagance and fanaticism which they have manifested in this respect. Nothing but the most extraordinary ignorance or inconsideration could have led his Grace to make such a charge. This has been conclusively established in a very able and effective pamphlet by the Rev. Mr Gray, entitled, "Correspondence between the Duke of Argyll and the Rev. A. Gray, Perth," in reference to his Grace's Essay entitled "Presbytery Examined." We shall not dwell upon this topic, but refer our readers to Mr Gray's pamphlet, where they will find also some very valuable materials for assisting them in forming a right estimate of his Grace's work, and of the merits of the controversy to which it chiefly relates.

The Duke of Argyll, notwithstanding the ability which he has

brought to the task, has, we think, utterly failed in obscuring the import, or in depreciating the value, of the testimony of the Church of Scotland to the independence of the church of Christ and its exemption from civil control, as connected with the doctrine of His sole headship over it; or in producing anything fitted to shake the confidence of intelligent Free Churchmen in the scriptural truth and practical importance of the principles which they have been called upon to maintain. It is easy enough, in surveying the ecclesiastical history of Scotland, to point out traces of human imperfection and infirmity; but it is not easy to show that Scottish Presbyterians did not thoroughly understand the great principles for which they were so signally honoured to contend, or that they were not able to defend them from Scripture and reason against all who might assail them. It is easy enough to excite a prejudice in the minds of English readers against the principles of the Free Church, and against the men who have advocated and applied them; but it is not easy to show that these principles involve anything inconsistent either with the particular statements or the general doctrines of the word of God, or that, in their substance, they have not the countenance and support of almost all the churches of Christ, and of the great body of those whose testimony is entitled to the highest respect.

The Duke seems to affect the character of an Eclectic in his ecclesiastical views; but we doubt much whether he is yet altogether qualified to sustain this position with credit and advantage. He can scarcely be said to have any definite well-digested system of opinions on the subjects which he discusses. He rather criticises all other systems, and selects from them what suits his taste, without much regard to the unity or harmony of the combination. He can scarcely remain long in his present position, or continue to adhere to all the views which he now supports on ecclesiastical questions; and we greatly fear that the probability is in favour of his changing for the worse,—of his deviating still farther than he now does from the paths of truth and sound doctrine. He still professes himself a Presbyterian; but we fear that he will land at length, like the great body of our Scottish aristocracy, in the Church of England. He is evidently prepared for at least tolerating almost any amount of Erastian interference by the civil power in the regulation of the church's affairs. He sees nothing objectionable, but, on the contrary, evidence of enlarged wisdom,

in the introduction of the inventions of men into the worship of God; and he has already become familiar with the dangerous and delusive process of explaining away or evading the testimony of Scripture on all subjects on which its decisions are not direct, formal, and explicit. In these circumstances, we see little or nothing to protect his Grace from the influence of those outward and inferior considerations which have led so many of the Scottish nobility to adhere to the English Establishment. He seems at present to be much in the same undecided and perilous position which his illustrious ancestor occupied during the earlier sittings of the Glasgow Assembly of 1638; but we scarcely venture to expect in this case an equally noble and magnanimous decision. And yet we would very willingly cherish the hope that one who is the descendant and representative of the illustrious men that did and suffered so much for the cause of civil and religious liberty in Scotland, and contended so nobly for those great principles, the maintenance of which forms the distinguishing glory of Scottish Presbyterians, and who himself possesses no ordinary personal claims to the admiration and respect of his countrymen, may yet attain to more clear and scriptural views of the relations and duties of churches and nations, and be honoured to contribute largely by his talents and influence to diffuse these views in the community, and to promote their practical application. May the Lord give him understanding in all things!

His Grace seems to have adopted to a large extent the views of Dr Arnold in regard to the church and its relation to the civil power, though we doubt much whether he fully understands them, and are pretty sure that he is not yet prepared to follow them out fully to their legitimate consequences. Dr Arnold's favourite principle upon this point was the identification of the Church and the Christian State,—or, in other words, a virtual denial that the church is, by its institution, and according to Christ's appointment, a distinct and independent society, with a fixed and unchangeable constitution and government, and with settled laws for the regulation of its affairs. This is the notion which was devised by Hooker, and expounded by him in the Eighth Book of the Ecclesiastical Polity, for the purpose of sanctioning authoritative interference on the part of the State in the government of the Church, and warranting the civil power to regulate and control ecclesiastical matters, just as it does military or financial matters, or any other

department of the ordinary national business. We do not suppose that the ingenious and benevolent mind of Dr Arnold was influenced by any such motive or object in advocating that notion ; but it fairly admits of being applied, and will, of course, be generally applied by politicians, to sanction a system of low and degrading Erastianism. The notion is so palpably inconsistent with the plainest scriptural principles, that, notwithstanding the high authority of the "venerable" Hooker, it has never found much countenance among the clerical defenders of the Erastianism of the Church of England, who have preferred to try other shifts and expedients, in order to palliate their position, but has been taken up chiefly by worldly politicians.

The only plausibility of the notion is derived from imagining what might, and probably would, be the state of matters if true Christianity pervaded the whole community, and affected the proceedings of the civil rulers and the general regulation of national affairs ; and the essential fallacy of it lies in this,—that it implies a total disregard and a virtual denial of all that the Scripture teaches us concerning the church of Christ, its fixed and unalterable relation to Him and to His word, and the perpetuity and unchangeableness of its constitution, government, and laws. Dr Arnold defines the church to be an association for the moral reformation of the community ; and this might, without impropriety, enter as one feature into a detailed description that might be given of the church, but it is not the *definition* of it furnished by Scripture. It omits everything essential and fundamental which Scripture teaches concerning the church. It leaves out all the leading ideas which Scripture requires us to introduce into our conception and definition of the visible church catholic, and all the main principles which it obliges every particular society calling itself a church of Christ, to act upon, in the discharge of its duties and in the regulation of its conduct. Of course, it is evident that we ought to regulate our definition of the church, and our views of its nature, constitution, government, functions, and objects, by the statements of the word of God, which liveth and abideth for ever, and not by our own imaginings of what is possible or probable, nor even by any actual realities in the state of society that might be presented before us. Even if Dr Arnold's idea of a Christian community and a Christian State were to be fully realized in fact, this should not in the least affect the scrip-

tural doctrine concerning the church and its constitution and government; and it would afford no warrant whatever to civil rulers, *as such*, to interfere authoritatively in the regulation of ecclesiastical affairs.

There seems to be a strong desire in the present day on the part of politicians to acquire for the civil power a larger measure of control over churches,—not only over those which are established, but over those also which are unconnected with the State,—in order to employ ecclesiastical influence for political purposes. And it is melancholy that such men as Dr Arnold, the Duke of Argyll, and in some degree also the Chevalier Bunsen, should have propounded views which are fitted to encourage them in the prosecution of this object, by encouraging churches to accept of, and submit to, their interference and control. The general current of opinion, however, among thinking and earnest men of all denominations, is happily running in the opposite direction. There is now, perhaps, more generally diffused in society than ever before, an intelligent appreciation of the true character of the church of Christ as a distinct independent society; and of the obligation that attaches to every society calling itself a church of Christ, to maintain its true position and character as such, to the exclusion of all civil control over its affairs, and with the forfeiture, when necessary for this end (as it certainly is in the case of all existing ecclesiastical Establishments), of civil advantages and emoluments. The disruption of the Established Church of Scotland, with the prominence thereby given to the principles of Scottish Presbyterians, may be fairly regarded as one of the influences which have contributed to produce this desirable result; and we trust that this and other concordant influences will continue to operate with increasing power, until all the churches of Christ are wholly emancipated from civil control, and are walking “in the liberty wherewith Christ hath made them free.”

## CHAPTER XI.

### THE RIGHTS OF THE CHRISTIAN PEOPLE.\*

#### *Sec. I.—The Consent of the Congregation.*

WHAT has been called the "Veto Act," became a standing law of the Church of Scotland in 1835, and was designed to carry into effect the principle of Non-Intrusion in the Settlement of Ministers in vacant Congregations. It is in the following terms : "The General Assembly declare, that it is a fundamental law of this Church, that no Pastor shall be intruded on any Congregation contrary to the will of the people; and, in order that this principle may be carried into full effect, the General Assembly, with the consent of a majority of the Presbyteries of this Church, do declare, enact, and ordain, That it shall be an instruction to Presbyteries, that if, at the moderating in a call to a vacant pastoral charge, the major part of the male heads of families, members of the vacant congregation, and in full communion with the Church, shall disapprove of the person in whose favour the Call is proposed to be moderated in, such disapproval shall be deemed sufficient ground for the Presbytery rejecting such person, and that he shall be rejected accordingly, and due notice thereof forthwith given to all concerned; but that, if the major part of the said heads of families shall not disapprove of such person to be their pastor, the Presbytery shall proceed with the settlement according to the rules of the Church: And farther declare, that no person shall be held to be entitled to disapprove as aforesaid, who shall refuse, if required, solemnly to declare, in presence of

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\* From the second edition of a pamphlet entitled, "Defence of the Rights of the Christian People in the Appointment of Ministers." 1841. This pamphlet was written in reply to "Observations on the Veto Act, by the Rev. James Robertson," then minister of Ellon, and afterwards the Rev. Dr Robertson, Professor of Divinity and Church History in the University of Edinburgh. (Edrs.)

the Presbytery, that he is actuated by no factious or malicious motive, but solely by a conscientious regard to the spiritual interests of himself or the congregation."

The Act sets out with declaring, "That it is a fundamental law of this Church, that no pastor shall be intruded on any congregation contrary to the will of the people;" and, "in order that this principle may be carried into full effect," it proceeds to declare, enact, and ordain, etc. There is here in the Act itself a manifest distinction made between the fundamental principle and the practical provision for carrying it into effect. The framers of the Act, in professing to carry this fundamental principle into effect, might have erred in the provision they made for that purpose, by omitting to provide for something fairly involved in the principle, or by so fencing and limiting it, as virtually to neutralize it. The Act itself, however, is not liable to objection on this score, as it does fully provide for carrying into effect the principle, that no man be intruded contrary to the will of the congregation. But it is quite plain that changes might be introduced into its provisions, which some might think improvements and others the reverse, and which might not affect its fitness to carry into effect the fundamental principle on which it is based. All that the fundamental principle, which the Act sets out with declaring, necessarily implies, is, that the deliberate dissent of the congregation shall be a conclusive obstacle to the settlement of the presentee, so that no congregation shall ever have good ground for complaining that a minister was set over them, to whose settlement they were decidedly opposed. This principle might be effectually provided for, and faithfully acted upon, in different churches, while there might be considerable diversity in the details of the arrangements for effecting the object. More or less latitude, for example, might be given to the church courts, as to dealing with the people before pronouncing a final sentence of rejection, while yet the fundamental principle remained unaffected. Whether the presbytery should have any dealings with the people as to the grounds of their dissent, and if so, in what way these dealings should be conducted, are questions on which there is room for a difference of opinion among honest non-intrusionists; because in whatever way these points may be settled, the fundamental principle, that no man be intruded contrary to the will of the congregation, may be honestly acted on.



Provisions for calling upon the people to assign the reasons of their dissent, that the presbytery may deal with them, with the view of removing their opposition if they think it ill-founded, and for directing the presbytery to give a judgment or opinion on the validity of the grounds of dissent, may or may not be objectionable upon other grounds either of principle or expediency; but they are not necessarily inconsistent with the principle, that no man be intruded contrary to the will of the congregation. That principle is preserved unimpaired, so long as it is provided that even when the presbytery think the grounds of the dissent unfounded, but have not succeeded in removing the opposition of the people to the presentee, they shall not be entitled to intrude him upon the reclaiming congregation, but shall proceed to reject him. We disapprove of the people being called upon to assign the reasons of their dissent, and of the presbytery giving an opinion on the validity of these reasons. We think this objectionable on several accounts, and we could not *approve* of introducing such a change upon the Veto Act; but it is manifestly not inconsistent with the fundamental principle of the Act, and might be introduced, if the church thought proper, without an abandonment of that principle. There are, then, modifications that might be made upon the Veto Act, which—whether improvements or the reverse—would not be inconsistent with the fundamental principle on which the Act is based, and which, therefore, the church might lawfully entertain, either on the ground of their own intrinsic merits, or as fitted to contribute, without a sacrifice of principle, to a more satisfactory and harmonious adjustment of the question. The principle of the Veto Act is, that the deliberate dissent of the congregation,—whether the grounds of that dissent have been stated or not,—and whether the presbytery think the grounds of the dissent satisfactory or not,—shall be a conclusive bar to the settlement of the presentee. This is the principle of non-intrusion; and so long as there is complete provision that this principle shall be carried fully into effect, then, whatever modifications may be made upon the Veto Act, the church has not abandoned the great principle on which that Act is based. It was on this ground, and in this sense, that the General Assembly of 1839 solemnly declared, “that the principle of non-intrusion cannot be abandoned;” and that last General Assembly, while again declaring their determination “to assert and maintain the great and fundamental

principle of non-intrusion," also declared, "that they were willing, as they had hitherto been, to consider any modifications that might be proposed for carrying the principle into effect."

But while there are modifications which might be made upon the Veto Act, without abandoning the principle, that no man be intruded contrary to the will of the congregation, the church would manifestly act an unworthy and discreditable part if she were to rescind or suspend the Veto Act, unless and until some measure, in full consistency with the great principle on which that Act is based, and preferable to it, either absolutely, on the ground of its intrinsic merits, or relatively, as better fitted to promote harmony and to put an end to our present contentions, were adopted and established. These considerations evince the unreasonableness of the allegations or insinuations of our opponents, that to speak of modifications of the Veto Act implies an abandonment of any of our principles, or requires us at present in consistency to repeal that Act, or introduces any uncertainty as to the nature and import of our demands in negotiating with the State. Being ourselves substantially satisfied with the Veto Act *as a settlement of the question of non-intrusion*, we just wish the Legislature to enact or declare, that when the church courts reject a presentee upon the ground of the dissent of the congregation, this rejection shall be as effectually and conclusively valid in regard to all civil consequences, as if he had been rejected for heresy, immorality, or ignorance. But, at the same time, as all that we hold ourselves bound to maintain as matter of principle on this point is, that no minister be intruded contrary to the will of the congregation, we are willing to entertain any proposals for a modification of the Veto Act, which may consist with the full practical application of this principle, and may be recommended upon the ground, either of their intrinsic propriety, or their fitness to promote a speedy and satisfactory adjustment of our present differences.

But what at present we are chiefly anxious to enforce is, that while the Veto Act makes no formal provision for calling upon the people to assign the grounds of their dissent, or for requiring the presbytery to deal with them on this subject, yet such a provision is not necessarily inconsistent with the great principle which alone that Act was intended to carry into effect; and that, therefore, any evidence which merely goes to show that the congrega-

tion were, or should be, asked the grounds of their dissent, that the presbytery should deal with them on this subject, and give their own judgment on the truth or validity of the people's reasons, does not bear upon the question, whether the principles of the Veto Act are recognised in the laws and constitutions of the church. In adducing upon this point the laws and constitutions of the church, or the testimony of individuals, our opponents are bound to prove, not merely that the laws provided, or that the individuals thought, that the people should be asked the reasons of their dissent, that the presbytery should deal with them on the subject, and give their own judgment upon the validity of the reasons; but also, moreover, that whenever the presbytery thought the reasons insufficient, *they were warranted to induct the minister, although the congregation continued to reclaim against the settlement.* This is the precise point to be proved; and it is only by proving this precise point by incontrovertible evidence, that any opponent can succeed in evading the force of those declarations of our constitutional standards, which, taken in their natural and obvious meaning, manifestly support the principles of the Veto Act.

That this is not a distinction got up to serve the purpose of the present argument, may be proved by a reference to the constitution of the Reformed Church of France. This church may be said to have been founded by Calvin; it abounded in men of the highest talent and learning, and during a great part of the seventeenth century, was, in many respects, the most important and flourishing of all the churches of the Reformation. The following was the provision contained in the discipline of the Reformed Church of France, in regard to the election of ministers:—"He whose election shall be declared unto the Church, shall preach publicly the Word of God on three several Sabbaths, . . . in the audience of the whole congregation, that so they may know his manner of teaching; and the said auditory shall be expressly charged, that *if any one of them* do know any impediment for which his ordination, who shall then be mentioned by his name, may not be completed, or why he may not be accepted, that they do then come and give notice of it unto the Consistory, which shall patiently hear the reasons of both parties, that so they may proceed to judgment. The people's silence shall be taken for a full consent. But in case contention should arise, and the aforementioned elect be pleasing to the Consistory, but not unto the people,

or to the major part of them, his reception shall be deferred, and the whole shall be remitted unto the Colloquy or Provincial Synod, which shall take cognisance, both of the justification of the before-named elect minister, and of his reception. *And although the said elect should be then and there justified, yet shall he not be given as pastor unto that people against their will, nor to the discontentment of the greatest part of them.*" \*

Beza was moderator of the National Synod of the French Church, held at Rochelle in 1571, and there formally approved of this discipline in all its heads and articles, and promised and protested to keep and observe it. †

In that same synod, the church of Meaux "complained that they were deprived of their freedom and privilege in elections;" and this probably was the reason why, in the next National Synod, held at Nismes in 1572, some changes were made in the law about elections, which rendered it, if possible, still more plain that the congregations were to have an absolute veto, or negative, upon the settlement, even when the church courts decided against the validity of their reasons of dissent. It was then enacted, that the article should be couched in these terms: "A minister shall not be chosen by one only minister with his Consistory, but by two or three ministers called into the said Consistory; and if there be one in being, by the Colloquy, or it may be by the Provincial Synod. Afterward he shall be recommended to the people, who shall hear him two or three weeks following, or for some longer time, if it be conceived fitting, that he may be known to them, and his method in teaching; the congregation also shall be expressly informed, that if any one of them know a just cause or reason why the called minister shall not be chosen, *or if they be dissatisfied with him*, that they would declare it unto the Consistory, who will readily receive, and patiently and freely hear their exceptions against him: And in case there arise contention on one side or other, the election shall be suspended, and the whole affair shall be brought before the Provincial Synod, who shall take knowledge both of the justification and reception of the said minister, who, though justified, shall not, however, be imposed upon that people against their will, or to the discontentment of the major part of

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\* Quick's Synodicon." Introd., sec. xii. pp. xvii., xviii.

† Quick's Synodicon., p. 99. See *infra*, p. 367 (Edrs.)

them. And, on the contrary, the people's silence shall be taken for their full consent."\*

These facts fully prove, that the distinction which we have explained, has not been devised to serve the purposes of the present argument, and also show, that we have the explicit testimony of the Reformed Church of France to the principle of the Veto Act,—as implying this, but not necessarily implying more,—that whatever dealings the church courts may have with the congregation as to the grounds of their dissent, and whatever opinion they may entertain or express as to the validity of these grounds, "he shall not, however, be imposed upon that people against their will, or to the discontentment of the major part of them."

We may here advert to the unreasonableness of our opponents, in alleging that they are non-intrusionists as well as we. The precise point of difference between us is this: Our opponents maintain, that church courts may, and ought to, thrust a minister upon a people when they think the dissent unreasonable, although the people should continue openly and decidedly to reclaim against the settlement. We maintain, that the decided dissent of a Christian congregation, entitled to the enjoyment of the ordinary privileges of church membership, ought to be a conclusive bar to the settlement. They assert, and we deny, the right of church courts to thrust ministers upon reclaiming congregations. The whole tenor both of the statements and of the conduct of both parties, proves that this is the true state of the question; and upon this ground we shall continue to take the liberty of characterizing our opponents as intrusionists.

They sometimes endeavour to make much of the privilege they concede to the congregation, of allowing any one of its members to state objections, of whatsoever kind, against the presentee, or against his settlement in that parish. But this is really no substantial privilege, so long as it depends upon the discretion of another party,—namely, the church courts,—whether any effect shall be given to the objections. No one can deny, that every member of the congregation should have the right of stating objections. Papists and Prelatists concede this, and even Papists can concede it with perfect consistency; for it does not imply that

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\* Quick's Synodicon, pp. 107, 108.

the congregation, *as such*, have any proper place or standing in the settlement of their minister,—that they are entitled to exercise in this matter liberty of conscience and the right of private judgment,—or to decide on their own responsibility to God in a matter bearing upon their eternal welfare. Our non-intrusion, giving effect to the deliberate convictions of a Christian congregation, treats them as men and freemen; the non-intrusion, falsely so called, of our opponents, being nothing more than the right of stating objections of which another party is to judge, treats them as children, or as slaves. We trust that our opponents will hereafter abstain from calling themselves non-intrusionists; and in place of having recourse to such artifices to evade the real difficulties of the question, will have the courage and the honesty openly to assert, and fairly to try to prove, that church courts have a right to intrude ministers upon reclaiming congregations.

Having thus explained the state of the question, we would now advert to the nature and bearing of the evidence that may be brought forward to decide it.

1. We would notice the subject of quotations from distinguished writers, as authorities in support of any particular position. There is perhaps no department of literary controversy on which there has been a greater amount of useless labour expended than this; and none in which there has been a greater display of controversial dishonesty and unfairness. In almost every theological controversy, the combatants have tried to prove that their respective opinions were supported by certain distinguished authors; frequently the authority of the same persons has been claimed by the combatants on both sides, and in some cases it is no easy matter to decide which party could most fairly claim their support, or whether both might not, with some fairness, pretend to it. This, of course, has chiefly arisen from the facts, that most men occasionally write carelessly, obscurely, and ambiguously,—that most men who have written much, and on a variety of topics, have made statements really or apparently inconsistent with each other,—that statements disjoined from the preceding and succeeding context, and viewed without reference to the precise nature of the topic under discussion, and of the general scope of the passage, may have the appearance of conveying a meaning which the author never intended, and which is inconsistent with his known sentiments upon the subject.



Many illustrations of such facts as these will at once occur to every one acquainted with theological controversy. Dr Campbell, in his *Philosophy of Rhetoric*, has a chapter in which he proposes to explain how it happens "that nonsense so often escapes being detected both by the writer and the reader;" and in whatever way it may be explained, the fact is unquestionable, that most authors do sometimes write nonsense, or at least use words which convey no very definite idea, and the actual or intended meaning of which they would themselves, if interrogated, be somewhat at a loss to explain. So universally is it acknowledged, that little reliance is to be placed upon a quotation from any writer as an authority in support of any position, when he himself, at the time, was not formally discussing the precise topic on which his authority is brought to bear, that it has passed into a proverb, *auctoris aliud agentis parva est auctoritas*; and yet controversialists continue to follow the practice of quoting isolated passages, written manifestly, as appears from the context, when the authors were not thinking of the subject of discussion in regard to which their authority is adduced. Many controversialists, in producing the testimonies of distinguished authors in support of their own views, seem to reckon it sufficient to quote a passage which, when wrested from the context, has the appearance of stating something similar to what they themselves maintain, and appear wholly to forget that, in the adduction of authorities, the proper question is not what a certain author may on some occasion have said or seemed to say, but, *what was his mature and settled judgment upon the point in dispute?* It is a very paltry achievement to quote an inconsiderate or ambiguous sentence from an eminent author, dropped when he was discussing a different subject, while it can be proved that his mature and deliberate judgment, if indeed he has given any decision upon the point, was opposed to that which the isolated sentence may seem to countenance. Yet this is what the Papists have usually done in quoting the writings of the early fathers in favour of the tenets of Popery; what the Episcopalians have often done in quoting the testimonies of the Reformers in support of Prelacy; and this is substantially what our opponents have done in quoting extracts from Calvin and Beza in favour of intrusion.

Protestant divines have fully established, in opposition to Papists, that the leading peculiarities of Popery derive no counte-



nance from the writings of the fathers of the first three centuries ; but no candid Protestant will deny that the Papists have produced passages from their writings, which, taken by themselves, do seem to countenance some of the principles of the Church of Rome. Isolated passages have been produced, for example, from fathers of the third century, which do seem to countenance the supremacy of the Pope, and the real, or rather the corporal, presence of Christ in the Eucharist ; and the answer which Protestants have given to these authorities is this, that the words of these passages do not necessarily bear the meaning which the Papists ascribe to them,—that the context and scope of the passages show that this was not the author's meaning, or that he was not thinking, when he wrote them, of the point to which they have been applied,—*and, especially, that from a general survey of his whole writings it is manifest that he did not hold the opinion which the isolated sentence seems to countenance.* Presbyterians have given substantially the same answer to the attempts that have been made by Episcopalian controversialists, from the time of Archbishop Bancroft to the present day, to distort a few garbled extracts from the writings of the Reformers, and especially of Calvin and Beza, into testimonies in favour of Prelacy. Episcopalians have dealt with extracts from Calvin and Beza, just as unreasonably and as unfairly as Papists have done with extracts from Irenæus and Cyprian ; and Mr Robertson has dealt with Calvin and Beza upon the subject of intrusion, much in the same way in which Episcopalian controversialists have dealt with them on the subject of Prelacy. We acquit Mr Robertson of any intentional unfairness, and accuse him only of ignorance and its natural consequences. No man possessed of the habits and acquirements of a scholar, will ever think of relying, in making averments as to the opinions of any author, upon one or two brief sentences extracted from his works, without examining the context. If Mr Robertson had possessed sufficient acquaintance with the discussions that have taken place among controversialists about the opinions of the fathers or of the Reformers, he would have been impressed with the truth of the very obvious considerations to which we have referred, and in that case he would not have acted the part he has done in adducing authorities. He would not have ventured to make such confident averments in regard to the opinions of Calvin and Beza, while he knew little about their views except from one or two

brief sentences which he found in Lord Medwyn's speech, especially as he could scarcely fail to see that, as we shall afterwards fully illustrate, these sentences do not bear clearly and directly upon the precise point which they are adduced to prove. We are pretty confident that Mr Robertson will not attempt anything of this kind again ; but as the subject is one of considerable importance in controversy, perhaps these few observations upon it may not be altogether useless.

2. No man can consistently support the principle of the lawfulness and propriety of intrusion, who maintains the right of the Christian people to choose their own ministers ; and, therefore, no man who maintains this right, ought to be charged with supporting intrusion, if the words on which the charge is founded can admit of any other meaning. The first part of this statement seems to be self-evident. The right to elect implies a larger share of influence in the appointment than the mere right to give or withhold consent. The veto law gives the people a negative upon a single probationer, the nominee of the patron ; the right of election gives them a negative upon all the probationers in the church. Every argument, therefore, against the right of the people to give or withhold their consent, tells more powerfully against their right to elect ; and every argument in favour of their right to elect, must conclude, *a fortiori*, in favour of their right to give or withhold their consent. The man who holds that the Christian people have a right to choose their own ministers, must of necessity regard it as a monstrous violation of justice, and a heinous exercise of tyranny, to thrust a minister upon a reclaiming congregation. He may, indeed, think that cases may occur in which the office-bearers of the church may, in the exercise of discipline, suspend a people from the exercise of their right to elect or to dissent. But this does not affect the point under discussion. He who thinks that, in all ordinary circumstances, a Christian congregation have a right to choose their own minister, must of necessity think still more decidedly, that they are entitled, in all ordinary circumstances, to prevent a minister being thrust upon them against their will.

We are not surprised that Lord Aberdeen declared that the "popular election of ministers would be infinitely better than the establishment of the Veto ;" but we are surprised that Mr Robert-

son should have also declared \* his decided preference for popular election over the Veto Act. It is surely very manifest, that almost all the leading grounds on which Mr Robertson opposes the Veto, tell more strongly against popular election. Mr Robertson's principles sink the people into slavery, and bind them down under a Popish tyranny. Popular election would give them a higher standing and a larger influence than the Veto Act. The privilege of judging of the suitableness of ministers would be far more fully exercised under a system of popular election than under the Veto Act; and it is as possible, and as probable, that the people might act unreasonably, capriciously, or from bad motives, in choosing as in dissenting. Mr Robertson's preference of popular election has therefore very much the appearance of a mere expression of unreasonable dislike against the Veto Act,—a dislike that has perverted his understanding, and hurried him into an expression of opinion plainly inconsistent with all the leading principles which he has maintained upon this subject. We scarcely think that he will seriously dispute our position, that the man who maintains the right of the Christian people to choose their own ministers, cannot consistently admit the right of church courts, in ordinary circumstances, or as a general rule, to thrust ministers upon them against their will. And yet he has attempted to prove that men, who, as we shall show, asserted the right of the people to choose their own ministers, were supporters of intrusion. We shall prove that Calvin, and Beza, and almost all the most distinguished writers in the Church of Scotland, from the Reformation to the restoration of patronage in 1712, maintained the right of the people to the substantial choice of their own ministers; and when we have done this, we shall consider ourselves entitled to insist, that any one who still asserts that they supported the lawfulness of intrusion, shall produce evidence in proof of his allegation of a peculiarly strong and unexceptionable kind,—shall produce extracts from their works that cannot be understood in any other sense than as explicit testimonies in favour of intrusion.

3. We attach little or no weight, in determining this question, to the mere decisions of church courts in individual cases. The practice that followed the enactment of a law is received as evidence of its meaning, only when the terms of the enactment are

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\* P. 230.

of ambiguous import; but we hope to prove that there is nothing ambiguous about the law, and that, of course, an appeal to the practice of the church to determine its import is inadmissible. Besides, there are many obvious causes that detract greatly from the weight due to the decisions of church courts in determining particular cases in the settlement of ministers. The General Assembly is a numerous and popular body, and liable to those misleading influences which more or less prevail in all popular bodies when exercising judicial functions. Many influences combine to lead such a body to be too favourable to presentees. And on this account it is, we think, a matter of unquestionable certainty, that in almost every period of our history, the actual practice of our church courts has been more unfavourable to the rights and influence of the people than the ecclesiastical law warranted. Gillespie, in his *Miscellanies*,\* plainly enough hints that cases of intrusion, or something like it, did occasionally occur, though in opposition to the declared mind and law of the church. And when intrusions first began to be practised by the church courts under the present law of patronage, those who opposed these intrusions maintained, and those who supported them scarcely ventured to deny, that the intrusion of a minister upon a reclaiming congregation was opposed to our ecclesiastical constitution.

It is a fact that ought never to be forgotten,—one full of most valuable instruction, both in the way of enabling us to form an estimate of the weight due to decisions in particular cases as affording evidence of the deliberate mind of the church, and in the way of establishing the folly of expecting, even from the General Assembly as now constituted, a series of righteous decisions in regard to the settlement of ministers, unless tied down by a strict and imperative law,—that the Assembly of 1835, which finally established the Veto Act as the law of the church, and ordered the rejection of the presentee to Auchterarder, did substantially perpetrate (for the iniquity was not consummated till next year) two gross and unquestionable intrusions upon reclaiming congregations. None, we presume, will deny the honesty and sincerity of the majority of the Assembly of 1835, or doubt that they really intended to establish the Veto Act as

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\* P. 21.

the law of the church, and the rule to be followed in the settlement of parishes; and yet it is a melancholy fact, that the same Assembly ordered the intrusion of presentees upon the reclaiming parishes of Trinity Gask and Dron. These facts may perhaps puzzle controversialists after a century has elapsed, but we know well enough how they are to be explained; and deeply as we lament, and decidedly as we condemn, the conduct of the Assembly of 1835, in perpetrating two intrusions, we cannot admit that this affords any good reason why we should set ourselves to explain away the import of the law which they passed against intrusion, or doubt their honesty in enacting that law, and in enforcing it in the case of Auchterarder.

There is a very striking resemblance in these points between the Assembly of 1736 and that of 1835. The Assembly of 1736 redeclared the old law of the church, "that no minister be intruded into any parish contrary to the will of the congregation;" but in consequence of decisions pronounced by that Assembly and by some subsequent ones, it has been doubted whether this declaration is to be understood in the sense which the words naturally bear, or whether, if it is, it was intended to act upon it honestly. This Assembly, as Mr Dunlop shows, rejected the presentee to Kinnaird, because of his unacceptableness to the people, while they seem, according to Mr Robertson's account,\* to have thrust ministers upon the reclaiming parishes of Denny and Troqueer; but with the strikingly similar case of 1835 before us, we cannot regard this inconsistency of the Assembly of 1736 as entitling us to pervert the plain meaning of their words, or to doubt their sincerity; while it very strikingly illustrates how little weight is due to decisions of popular Assemblies, in particular cases, as indications of the deliberate judgment even of those who pronounce them on the general principles that may seem to be involved in them.

But even if these cases were much more important, as indicating the deliberate mind of the church, than they are, we labour under some difficulty in applying them, in consequence of having often very defective information as to the real circumstances of the case. What is gleaned from the records of church courts often gives a very imperfect view of the facts of the case, and

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\* Pp. 199-201.

leaves us in ignorance of important considerations that might be well known to the members of the judicatory. Some of the cases adduced by Mr Robertson in support of his views prove too much, and therefore, according to the well-known maxim, prove nothing. The only cases which he gives in illustration of the practice of the church under the Directory of 1649, are those of Birnie in 1658, and Hailes in 1659.\* And in regard to these cases, he is obliged to admit, that the "procedure," as described in the Presbytery Record, "was contrary to the provisions of the Directory of 1649," as "no reference at all is made to the congregation," excepting only in the serving of the edict for the induction. Such cases—and they are the only ones Mr Robertson produces in regard to this important period—manifestly cannot afford any materials for judging of the construction then generally put upon the Directory. The probability is, that in these and in similar cases, the concurrence of the congregation in the person chosen by the session was well known to the presbytery, and therefore was not formally adverted to.

Again, the only case which Mr Robertson adduces to illustrate, by the practice of the church, the construction put upon the Act 1690, is that of Falkirk in 1695;† and here, too, the procedure, as described in the Presbytery Record, was contrary to the provisions of the Act 1690, as the person chosen by the elders and heritors does not appear to have been "proposed to the congregation, to be approven or disapproven by them." This case, then, also proves too much, and therefore proves nothing. The fact probably was, that the presbytery, without any formal investigation, was fully satisfied of the consent or concurrence of the parish in the nomination of the heritors and elders.

Mr Robertson makes a considerable parade of his cases, and yet these are the only ones he has produced to illustrate these two most important periods of our ecclesiastical history; and most assuredly they render no service to his cause. We shall afterwards produce much more satisfactory evidence on these points. As Mr Robertson's object, in producing his cases, is to prove that the ecclesiastical law of the period, in whatever terms it might be expressed, was not practically understood to sanction our views of non-intrusion, he was, of course, bound to produce

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\* Pp. 155-158.

† Pp. 169-171.

cases in which intrusion was practised, and ministers were thrust upon reclaiming congregations. Now, he has produced only a single case of an intrusion perpetrated by church courts previously to the restoration of patronage in 1712, although we doubt not such cases occurred. It is not necessary for us to consider the cases that occurred after the restoration of patronage,—because we are not discussing the question of the power claimed and exercised by the church under the Act of Queen Anne,—and because we admit, that about the time of the restoration of patronage, there are some traces, in the proceedings of the church courts, of a departure from the sounder views that formerly prevailed in regard to the rights of the Christian people; although the Popish principles now advocated by our opponents were scarcely avowed or applied openly till about the period of the Secession, and even after that were sometimes disregarded in practice, when sound principle and true piety had any ascendancy in the Assembly. Even about the time of the restoration of patronage, the injurious effects of the admission of the Episcopalian conformists, who were the progenitors of the Moderate party, were beginning to be displayed. A disregard to purity and soundness of doctrine, and to the interests of vital godliness, was already beginning to show itself in the church; and when we see this, we fully expect, as its natural consequence, the prevalence of the views of Dr Muir and Mr Robertson about the power of church courts, and the rights of the Christian people.

The second case of intrusion brought forward by Mr Robertson is that of Peebles, in 1717. We do not remember to have seen this case described before, and we were scarcely prepared to expect so disgraceful a case at that period. But it is satisfactory to observe, that the presbytery of the bounds had found the presentee disqualified on his trials, and that the Assembly appointed a committee of their own number to carry the settlement into effect,—the first instance, probably, of the appointment of a riding commission. It is also deserving of notice, that the Theological Chair at Glasgow was at this time held by Professor Simson, who taught Arian and Arminian tenets, and who, having been processed for heresy for several years, was let off by this very Assembly of 1717 with a very inadequate censure. We do not intend, then, to examine the cases of settlements which Mr Robertson has brought forward, as such cases are manifestly, in their very



nature, most inadequate and defective sources of information upon the point under discussion ; and as they are, indeed, in most of the instances he has adduced, wholly irrelevant.

*Sec. II.—Views of the Church,—Primitive and Reformed.*

Mr Robertson, before proceeding with the more direct evidence in support of his allegation, that “the principles of the Veto Act are nowhere recognised in the acknowledged laws and constitutions of the Church,” makes some statements about the doctrine of the canon law and the practice of the continental churches, borrowed not from his usual authority, Lord Medwyn, but from the speech of Lord Corehouse in the Auchterarder case. As he has gone so far back, we may go a little farther, and briefly advert to the doctrine and practice of the primitive church on this point.

It can scarcely be disputed, that for about the first six centuries the Christian people had generally the choice of their own ministers. Election is the best of all securities against intrusion ; and the fact that popular election prevailed, is the most conclusive proof that intrusion, both in doctrine and in practice, was repudiated. That popular election was both the doctrine and the practice of the primitive church, is proved in Mr Brown’s excellent lecture on Non-Intrusion,\* who has also shown that traces of this right—and resting, too, upon grounds manifestly inconsistent with intrusion—continued to exist in the standard books of the Church of Rome (although the people, under the tyranny of the man of sin, had, of course, long before, been wholly deprived of it in practice) down till the time of the Council of Trent.†

We have the express testimony of Clemens, the companion of the apostles, whose name is in the book of life,† that the apostles settled ministers with the consent of the whole church,—

\* Rev. Charles J. Brown, Edinburgh.

† De Dominis’s celebrated work, “De Republica Ecclesiastica” (lib. iii. c. iii.), and Blondel’s “Apologia pro sententia Hieronymi de Episcopis et Presbyteris” (p. 379 to the end),—commonly reckoned the most learned

work ever written in defence of Presbytery, — contain the fullest statements with which we are acquainted of the evidence as to the doctrine and practice of the early church with regard to the appointment of ministers.

† Phil. iv. 3.

συνευδοκησας πας της εκκλησιας,—a very strong expression, and manifestly excluding the possibility of intrusion.

The same word *συνευδοκεω* occurs in the description given in the apostolic constitutions (supposed to have been compiled before the end of the third century) of the primitive mode of appointing ministers, where it is evidently used as expressive not merely of consent, in the fullest and widest sense, but as substantially synonymous with choice or election; and indeed Blondel, after quoting the passage at length, subjoins this inference as manifestly sanctioned by it:—"Unde constare potest Clerumque plebemque *convenire, eligere, nominare, gratum habere, postulare, testari, annuere, rogari, consensus decretum edere*, ante Constantini magni tempora ex æquo consuevisse."\* No man has ever, so far as we know, pretended to find any sanction in the primitive church for the intrusion of ministers upon reclaiming congregations. The practice of at least the first five centuries was decidedly opposed to the Popish notions now advocated by our opponents; and even after the nomination or election was to some extent usurped by the clergy (the kirk being now greatly corrupted by Antichrist), and after some traces of lay patronage began to appear,† it still continued to be the law or rule, that no man was to be intruded upon any congregation against their will.

This leads us to consider Mr Robertson's statement about the doctrine of the canon law. His statement is this:—"The canon law, which, prior to the Reformation, prevailed universally throughout Christian Europe, with which law most of our Reformers were well acquainted, and the terms of which, therefore, they must be supposed to have applied in the ordinary sense, provides, or at least did provide, that the consent of the congregation shall be required at the admission of a Minister, and that they shall be entitled to object, provided always that their objections be well-founded."‡

This is the whole of what Mr Robertson says upon the subject; and it is borrowed from Lord Corehouse's speech,§ who, however, enters more into detail upon the point. To adduce the

\* *Apologia pro sent. Hieron.*, p. 392.

† Heidegger, in his "*Historia Papatus*" (Period. Secund. Sec. xxix.), says, — "*Seculum imprimis a Christo nato sextum provehendæ machinationi*

*Pontificum . . . opportunum supra modum fuit.*"

‡ P. 59.

§ Report of the Auchterarder Case, vol. ii. p. 221.

authority of the canon law on such a point, was evidently preposterous. The canon law is the law of the Church of Rome ; and the testimony of the Church of Rome, in support of any particular doctrine upon this subject, affords of itself a presumption that the doctrine is erroneous. Our great charge against the views of Dr Muir and Mr Robertson on this point is, that they are Popish,—founded on Popish notions of the rights of conscience, of the powers of ecclesiastical office-bearers, and of the liberties of the Christian people ; and if their views were sanctioned by the canon law, this would only confirm the truth of our charge against them. When Mr Robertson quotes the testimony of the canon law in support of his principles, he merely quotes the testimony of a friend, and of one whose friendship is not very reputable ; whereas, if we find anything in the canon law in favour of our Protestant principles, we are entitled to found upon it as the concession of an adversary. It would be in vain to ask Mr Robertson what he means when he says, that “the canon law provides, *or at least did provide,*” for he evidently knows nothing whatever about the matter, except what he found in Lord Corehouse’s assertion, “that it is, *or at least was,* unquestionably the doctrine of the canon law,” etc. Every one who knows anything about the canon law, knows that it consists of extracts from the writings of the fathers, the decrees of councils, and the epistles and decisions of Popes and other eminent ecclesiastical authorities,—that it has undergone no material alteration since the compilation of the decree of Gratian in the twelfth century, except by the addition of subsequent decisions and enactments,—*that it was completed before the period of the Reformation*, and that the text of it was carefully revised and corrected under Gregory XIII., and was published by him in 1582, with a formal prohibition to all to make thereafter any alteration upon it. When a man, therefore, tells us, that “the canon law provides, *or at least did provide,*” he is only betraying, while at the same time he is striving to cloak, his utter ignorance of the subject. It is surprising that Lord Corehouse, who seems to have had some knowledge of the matter, should have said,—“It is, *or at least was,* unquestionably the doctrine of the canon law, that the consent of the people is to be required at the admission of a minister, and that they are entitled to object, under the proviso, however, that their objections are well-founded.”

The true state of the case, we suspect, was this,—that Lord Corehouse had somehow taken up a vague impression that the doctrine of the canon law was what he states it to be,—that he looked into the canon law, or into some book giving information upon the subject, *but found no authority for this impression*,—that, in short, he knew enough of the matter to be doubtful of the truth of the statement, which yet he resolved to make; and as a cloak or shield for what he did not like absolutely to affirm, asserted that it is, *or at least was*, the doctrine of the canon law,—a statement which Mr Robertson, in all his simplicity, has blindly copied. It is true that the doctrine of the canon law is, that “the consent of the congregation is to be required at the admission of a minister;” but it is not true that there is, in the canon law, “a proviso that their objections must be well-founded.” Mr Robertson cannot produce evidence that such a proviso either is, or was, to be found in the canon law, in connection with the assertion of the general principle about the consent of the people. The doctrine of the canon law upon the subject is this:—“Nulla ratio sinit ut inter episcopos habeantur qui nec a clericis sunt electi, nec a plebibus expetiti, nec a provincialibus episcopis cum metropolitani judicio consecrati.”\* “Cleri, plebis, et ordinis consensus et desiderium requiratur.”† “Ordinationes quæ interveniente pretio, vel precibus, vel obsequio alicui personæ ea intentione impenso, vel quæ non communi consensu cleri et populi secundum canonicas sanctiones fiunt, et ab iis, ad quos consecratio pertinet, non comprobantur, falsas esse dijudicamus.”‡

We do not say that statements may not be found in the canon law inconsistent with these doctrines, for the canon law abounds in inconsistencies; but we do say, that these statements occur in the canon law, with nothing in the context to limit their meaning, and that nowhere in the canon law is the doctrine about the consent of the people, and their right to object, accompanied with “the proviso that their objections must be well-founded.” Lord Corehouse tells us, that the rubric of a canon in 428 is in these words,—“Plebis non est eligere sed electioni consentire,” and the statement is correct; but as there is here no explanation or limitation of the consent of the people, this rubric, of course, gives no

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\* Decr., P. i., Dist. 62, c. 1.

† Dist. 63, c. 26.

‡ Decr., P. ii. c. i. Q. i. c. 113.

countenance to the assertion which his Lordship and Mr Robertson have made. It is proper, however, to mention, what it was scarcely fair in Lord Corehouse, if he had the canon law before him, to conceal, that the canon to which this rubric is attached just consists of the words of the second quotation given above from the canon law, which affords no ground whatever for the first part of the rubric (*plebis non est eligere*),—which puts the clergy and the people on the same footing,—and requires equally the *desiderium* as well as the *consensus* of both. The canon itself rests upon the authority of Pope Cœlestinus in the fifth century. The rubric, although even it gives no countenance to Mr Robertson's assertion, is just a fraudulent misrepresentation of the import of the canon made by Gratian in the twelfth century. It is rather curious that Lord Brougham, who was evidently in the same predicament with Mr Robertson—that is, who knew nothing whatever of the matter but what he found in the report of Lord Corehouse's speech—should have stated this point in this way:—"Your Lordships will find there is a canon, in the year 428, referred to by one of the learned Judges, which shows that the election was in the clergy, though with the assent of the congregation."\* Lord Corehouse did not tell him that this was a canon, but only the rubric of a canon; and if their "Lordships" had investigated the matter, they would have found that the canon afforded no ground for the rubric fraudulently attached to it seven hundred years after; and they might, perhaps, have discovered that Gratian's fraudulent conduct, in attaching such a rubric to such a canon, was exposed about two centuries ago by Blondel.†

Lord Corehouse asserts that Pope Gelasius, in 493, decided that the people's refusal to consent did not defeat the nomination. He then gives, in proof of this, an abridgment of a letter of Gelasius; but, as if conscious that the letter did not support the allegation he had made, he shrinks from deducing from it any inference strong enough or broad enough to serve the purposes of his argument, and dismisses the matter with the following most lame and impotent conclusion:—"This certainly means that it was the province of the clergy, who had the right of nomination at that time, to inquire into the objections of the people; and, if they were ill-

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\* Lord Brougham, "Speech," p. 6.

† Blondel, *Apol. pro Senten. Hieron.*, p. 473.

founded, to remove them by such arguments or admonitions as would carry conviction to the mind." Now, even if this account of the import of Gelasius's letter were correct, it would manifestly afford no ground for the assertion with which his Lordship introduced it, or for any of the leading views of the intrusionists; but a regard to the interests of truth compels us to say, that Gelasius's letter, which perhaps, after all, Lord Corehouse never saw, confirms what we know to have been the truth, that at that time the people had a share equally with the clergy in the election of a bishop, and that nothing was finally settled in regard to the filling up of a vacant bishopric, until what might be fairly called the consent or concurrence both of the clergy and of the people was obtained. This mode of dealing with Gelasius was not very creditable to Lord Corehouse; and no one will be surprised to be told that Lord Brougham's treatment of the same point was much worse. His statement upon it is this:—"There is, in 493, a rescript of Gelasius, which states that the right of rejection does not exist at all in the people; for it expressly says, 'If their objections are groundless,' which implies giving a reason, and implies no veto, no dissent."\* The quotation here given by Lord Brougham in inverted commas, and indeed the whole statement, is a fabrication. The statement is, in itself, wholly untrue; there is no warrant for it in Lord Corehouse's speech; and Lord Brougham knew nothing whatever of the matter but what he found there. †

\* Speech, p. 7.

† This is not the only instance of fabrication which Lord Brougham's published speech on the Auchterarder case exhibits. We shall give another specimen in a matter of much more importance. The Dean of Faculty, in pleading this case, brought forward (p. 323) the case of Unst, in 1795, as a precedent for what the Court of Session was then asked to do. The utter inapplicability of this case of Unst to the case of Auchterarder, was clearly and conclusively demonstrated by the Solicitor-General, now the Lord Advocate (p. 403). Lord Dundas presented Nicolson to the parish of Unst. The presentation did not reach the presbytery till the six months had expired. The presbytery resolved to exercise the *jus devolutum*,

and ordained and inducted Gray minister of Unst. Lord Dundas raised an action in the Court of Session, calling upon them to rescind the proceedings of the presbytery connected with Gray's settlement, to find that he had presented in due time, that the presbytery were bound to go on with Nicolson's settlement, and that, in the meantime, the patron was entitled to the fruits of the benefice. During the course of the process, Lord Dundas abandoned all the reductive or rescissory conclusions of the summons, and then he got a decree in his favour, to the effect that he had presented in due time; that the presbytery had no right to present; that, of course, Gray was not entitled to the fruits of the benefice, and that the patron was entitled to retain them. The sentence of the



In the course of the sixth century there appear some traces of patronage, or something like it; and the clergy were also beginning to attempt to defraud the people of their right of election, and to usurp it for themselves; and it was probably to restrain this tendency, and at the same time to secure to the people, even if the primitive mode of nomination were changed, a negative upon the settlement, that the following canons were passed in pro-

Court decided only questions of acknowledged civil right—the right of presentation and the right to the fruits of the benefice. It did not attempt or pretend to rescind the proceedings of the presbytery, in so far as concerned their ecclesiastical character or effects. It did not wear even the appearance of attempting or pretending to put out Gray, or to put in Nicolson. Lord Gillies (p. 50), after explaining fairly enough the facts of this case, says,—“The *result* was the settlement of Nicolson, whose name, as minister of the parish, appears, as I was told, in next year’s almanac.” His Lordship here seems to have intended to insinuate that the direct and proper effect of the sentence of the Court was, to put out Gray and to put in Nicolson; but the fact is, that Gray being, by the sentence of the Court, deprived of the fruits of the benefice, and being unable to subsist without this, *resigned his charge*; and that Lord Dundas then issued a new presentation in favour of Nicolson to the parish of Unst, *vacant by the resignation of Gray*. But what Lord Gillies only insinuated, Lord Brougham openly and boldly asserted. Lord Brougham (pp. 39–41) having declared, that he “should at once make an order upon the Presbytery to admit, if duly qualified, and to disregard the dissent of the congregation,” founds mainly upon this very case of Unst, expressly alluding to Lord Gillies’s statement of the *result* of it, in proof of the jurisdiction of the civil court. He says, “The presbytery had refused to admit Nicolson; they had admitted Gray. What does the Court of Session say? Admit our man Nicolson, and oust your man Gray;” and again, “If the Court of

Session had the power of saying, there, Take Nicolson and oust Gray; have we not just the same power, here, of telling the presbytery, You have mistaken the law, retrace your steps, and take the person presented by the patron, if he is qualified according to the ecclesiastical rules. Therefore I hold that this argument on the jurisdiction is utterly absurd and untenable, and proves no impediment in our course towards a right conclusion.” This, of course, was a pure fabrication. There is not a shadow of ground for ascribing to the Court of Session the statement which Lord Brougham has put into their mouth.

But perhaps the most curious part of the story remains to be told. When the Strathbogie case came before the Court of Session, Lord Gillies, as if he had wholly forgotten the facts of the case of Unst, or as if he implicitly believed Lord Brougham’s fabricated account of it, founded on the decision of the Court of Session in this very case of Unst, as a proof that the civil court had a right to cancel the sentence of a church court in an ecclesiastical matter,—the infliction of a spiritual censure! (*Report*, p. 28.) Lord Gillies, in that speech, was candid enough to admit that he could find no explicit authorities in the writers on Scotch law in support of the power in ecclesiastical matters now claimed by the civil court; and it is just as true that no case has occurred since the ecclesiastical supremacy of the Crown was abolished at the Revolution, that affords any ground for the recent illegal and unconstitutional encroachments of the Court of Session.



vincial councils. The Council of Orleans, held in 549, passed this canon :—"Item juxta quod antiqui canones decreverunt, nullus invitis detur Episcopus, sed nec per oppressionem potentium personarum ad consensum faciendum cives aut clerici, quod dici nefas est, inclinentur." And the Council of Paris, in 557 :—"Quod in aliquibus rebus *consuetudo prisca negligitur ac decreta canonum violantur*, placuit ut juxta antiquam consuetudinem canonum decreta servantur. Nullus civibus invitis ordinetur episcopus, nisi quem populi et clericorum electio plenissimâ quæsierit voluntate." \*

Similar declarations had been made during the fifth century, and some of them have been inserted in the canon law. Thus, in 428 :—"Nullus invitis detur Episcopus. Cleri, plebis, et ordinis consensus et desiderium requiratur."† And in 445 :—"Si forte vota eligentium in duas se diviserint partes, metropolitani judicio is alteri preferatur, qui majoribus et studiis juvatur et meritis, *tantum ut nullus* invitis et non petentibus ordinetur, ne civitas episcopum non optatum aut contemnat aut oderit."‡ When we read such sound and liberal principles as these in the canon law, and contrast them with the odious tyranny involved in the principles of Mr Robertson, we find it no easy matter to restrain our indignation.

If Mr Robertson allege that he referred to the canon law only to determine the meaning of the terms "consent," and "against their will," we answer, that he never quoted the language of the canon law; that the only averment which he made about it is unfounded; that we have positively proved that the canon law sanctions the principle of the consent of the people in the fullest and most unqualified sense, as implying at least a negative; and, further, we challenge him to prove that the canon law ever uses such language as "consent," or "against the will," in regard to any subject whatever as implying less than a veto.

Mr Robertson having given us a specimen of his knowledge of the canon law, proceeds to tell us something of the state of matters in the Protestant continental churches :—"Again, to come still nearer to our point, as we know that the fathers of the Reformation in Scotland had frequent communication with the leading men of the Reformed churches on continental Europe,

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\* Carranza, "Summa Omnium Conciliorum," fol. 175, 177.

† Decr., P. i., Dist. 61, c. 13.

‡ Dist. 63, c. 36.

we find the celebrated Justin Henning Boehmer thus defining the respective rights of patrons and people, in his ‘*Tractatus Ecclesiasticus de Jure Parochiali* :’—‘*Equidem,*’ he says, ‘*in omni jure patronatus non quidem excluditur consensus populi, sed ita, ut patrono votum decisivum in electione tribuatur, populo negativum ut possint dissentire; non tamen aliter quam si justas dissensus causas allegare queant.*’ The same author, again, in his ‘*Jus Ecclesiasticum Protestantium usum modernum juris canonici juxta seriem decretalium ostendens, et ipsis rerum argumentis illustrans,*’ informs us that the negative voice, which belongs to the congregation and superintendent, operates in this manner,—the want of ability in the presentee being proved, and the other defects which may have been laid to his charge being demonstrated, he is to be rejected, and the patron enjoined to present a fitter person. The view given of the rights of the people, in the words of Boehmer, last quoted, would appear, from Lord Medwyn’s searching investigation into the respective forms of government of the several Protestant Churches of Continental Europe, to have been accurately formed on an extensive induction of the laws and regulations of these churches.”

Now, Mr Robertson has, we presume, taken these statements about Boehmer and the continental Protestants from Lord Corehouse’s speech.\* He seems, indeed, to have intended to convey the impression that he knew something of Boehmer which he had not learned from his Lordship, for he gives us three things not found in his authority,—namely, a fuller statement of the name of Boehmer, and of the titles of the two works from which the quotations are taken. But by a most unlucky fatality, he blunders in two out of these three little matters in such a way as to show, that what he did not find in Lord Corehouse, he must have taken from a catalogue, or some other inaccurate source of information, and not from even an *inspection* of the works themselves. If he had ever seen the title-page of either of the works which he quotes, he would have known that Boehmer’s first name was not Justin, but Justus; and if he had ever seen his work on parochial law, he would have adhered to the title which Lord Corehouse gives it, viz., “*Jus Parochiale,*” in place of calling it “*Tractatus Ecclesiasticus de Jure Parochiali.*” It would have been well for

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\* Auchterarder Report, pp. 221, 222.

Mr Robertson if he had continued to adhere closely to Lord Corehouse.

From the language employed by Mr Robertson upon this point, we are not sure whether he intended the extracts from Boehmer to be regarded as a testimony of Boehmer himself, in favour of the right of church courts to intrude, or simply as a testimony to the general practice of the Protestant continental churches. We shall consider them in both points of view. Boehmer himself, though an Erastian, was not an intrusionist.\* He held that the people should have the choice of their own ministers; that the negative voice, as described by himself in the above quotations, was no real and substantial check on patronage, but was wholly unsatisfactory and insufficient; and he thought it both right and practicable that patronage should be exercised in such a way as that intrusion against the will of the congregation, without the necessity of their substantiating reasons to the satisfaction of a third party, should be prevented. All this is established by the following quotations:—"Denique quoque *legitima illa vocatio intelligitur, quæ ab iis facta, quibus jus vocandi competit. Quod si rem ex suis consideramus fundamentis, non dubium est, jus eligendi parochum penes totam ecclesiam parochialem esse, cum naturaliter cœtui cuilibet permittantur ea, quæ ad sui conservationem finemque sunt necessaria. Jam autem quatenus parochia adhuc retinet faciem alicujus ecclesiæ, cœtum certum et societatem designat, et consequenter, quatenus nihil aliud constitutum, jus vocandi parochum toti ecclesiæ ascribendum est. Observarunt hoc ipsum adhuc leges Suecorum.*" And after a quotation to prove that, he adds,—"*Et quod ita olim vocatio a multitudine et universo cœtu Christianorum facta fuerit, apparet ex Act. c. i., v. 15, c. vi., v. 5, and c. xiv., v. 24.*"† And in the fourth section of the same title, in describing the practice of the early church, he shows that the people had much more influence in the election of ministers than a mere negative voice, resting

\* There is no necessary connection between Erastian views and any particular doctrine as to what is the right mode of appointing ministers, though, of course, Erastians admit the right of the civil authority to interfere in the regulation of this matter. But it is certainly true, in point

of fact, that Erastians have most commonly been men who were disposed to act the part of sycophants to the rich and powerful, and of tyrants to the poor and helpless.

† "*Jus Parochiale*," sec. iii. c. i., § vii. See also "*Jus Eccles. Protest.*," lib. i. tit. vi. § iii.

upon reasons to be made good to the satisfaction of another party: "Neque enim rursus faciendum cum Grotio et Petro de Marca plebi tantum *votum negativum* tribuentibus. Qui *votum negativum* habent, revera non concurrunt ad electionem, sed, ea facta, tantum admittuntur, ut allegare causas possint, ob quas ab aliis jam electus non sit recipiendus, quibus deficientibus, consentire tenentur. Ubi jus patronatus viget, plebi tale votum competit, quod tamen ut plurimum inane est, quia rarissime ejusmodi prægnantes causæ adduci possunt, ob quas repellendus sit præsentatus. Ast plebi *jus excellentius* competiisse, variis argumentis constat, exemplisque."

Lord Corehouse tells us that the rubric attached to the section containing the extract from Boehmer's "*Jus Parochiale*," on which he and Mr Robertson mainly rely, is "Plebi competit votum negativum." This is true, but the rubric of the *next* section is, "*Votum negativum non sufficere ostenditur*," and that section contains the following statements:—"Patronorum *nominatio* plus momenti habet, quam parochianorum *dissensus*: illi sola nominatione acquiescunt; si exquisitas dissensus causas coacervare debent, quod tamen admodum difficile est. *Est itaque votum negativum in effectu nihil aliud quam humillima acclamatio, et gloria approbandi illum, quem patronus nominat.*"

Boehmer farther thought it wrong for any man to consent to be intruded upon a reclaiming congregation. In the thirty-second paragraph of the same chapter from which the last extract is taken, he proposes to point out the sins or scandals into which men are apt to fall in seeking for a parish or benefice, and the first of these is simony; the second is seeking the priest's office for a bit of bread; and the third is being intruded upon a reclaiming congregation, which he considers to be in some respects worse than the two former, as being by its publicity more likely to injure religion and to frustrate the ends of the ministry. "Sunt præterea," says he, "alii, qui se ingerunt et obtrudunt omni conatu invitis, qui ab his, de quibus dictum est, in eo distingui possunt, quod in simoniacis, et qui *lucris et honoris causa* ambiunt officium sacrum, non semper talis *manifesta* adsit intrusio, sed magis *latens*; in his vero, de quibus nunc dicendi locus est, etiam *violenta et aperta*, contra voluntatem gregis deprehendatur occupatio vacantis ecclesiæ parochialis, quæ eo minus toleranda est, quo majorem alienationem animorum operatur." He then quotes the extract

given above, from Pope Cœlestinus and the canon law, and adds,—"Quamvis vero hodie adhuc jus patronatus in nostris ecclesiis toleretur, nihilominus tamen ita exerceri debet, ne *invitis* obtrudatur, præsertim si parochiani justam dissentiendi causam allegare possint." The word *præsertim*, of course, necessarily implies that it was *not only* when they were able to substantiate special objections that they were entitled to prevent an obnoxious presentee from being intruded upon them. It is distinctly opposed to the "*non tamen aliter*" of a former quotation.

In so far, therefore, as Mr Robertson's statement may appear fitted or intended to convey the impression, that the personal opinion or authority of this celebrated jurist was in favour of his views in this controversy, we have shown that the very reverse was the case; and that Boehmer's decided and unequivocal judgment was,—that the people should have the choice of their own ministers,—that a right of stating objections, of which another party is to judge, afforded no protection whatever against the abuse of patronage,—and that even where patronage existed, it is right and practicable that the people should be protected against the intrusion of obnoxious presentees without being bound to substantiate special objections. We trust that these extracts from this celebrated lawyer and jurist may lead some of our legal opponents to suspect that our principles are not quite so absurd as they may have been accustomed to regard them.

If it be alleged that the reference to Boehmer was intended simply to bring forward his testimony to the matter of fact with regard to the practice of the continental Protestant churches as to the people's right to object, and the import of the negative voice that was still professedly conceded to them, then we answer, first, That in the passages quoted, Boehmer does not profess to be describing the practice of the Protestant continental churches in general; and, secondly, That the practice of these churches, *as distinguished from the doctrine of their standards, and the judgment of the illustrious Reformers by whom they were founded, is entitled to no weight or deference whatever.* We of course admit, upon the ground of what Boehmer has said, that the negative voice of the people was in practice understood to mean merely a right to object, while another party was to judge of the validity of the objections; but the question is, when or where did this practice prevail? And there is no ground for extending Boeh-

mer's testimony on this subject beyond his own age and country,—that is, the Lutheran churches in the north of Germany, during the early part of the last century. Boehmer does not profess to be then describing generally the practice of the Protestant continental churches; and if Mr Robertson alleges that the practical interpretation which Boehmer says was put upon the negative voice of the people, applies to any age or country but his own, the *onus probandi* lies upon him, and we are pretty sure that Boehmer affords no materials for enabling him to prove this. Nay, it can be proved, not only that Boehmer did not mean to assert that this was the practice in the Protestant continental churches in general, but that he has asserted the reverse. We have already produced from him a quotation, in which he says that it was still the law of Swabia that the people should choose their own ministers. The rubric of the 14th section of the 6th title of the First Book of his "*Jus Eccles. Prot.*" is, "*In Protestantium Ecclesiis nonnullis electio ecclesiæ restituta est;*" and in the following sections he proves this, and gives illustrations of the diversities of practice that obtained in different churches on this point.

But, secondly, even if it could be proved that in Boehmer's time the general practice of the Protestant continental churches was to put, practically, the construction which he describes upon the negative voice, the consent or dissent of the people, we would not consider this as affording a shadow of a presumption, either that it was right in itself, or that a similar view was held by our own Reformers. Religion was at as low an ebb in the continental churches of that period, as it reached in the course of the same century in our own church; and wherever heresy and irreligion have prevailed, the views entertained by Mr Robertson about the power of church courts, and the rights of the Christian people, have rapidly followed in their train. The actual practice that prevails in this respect shows only the state of the civil law, or the general spirit of the particular church at the time; and neither of these, surely, is a standard by which the government of Christ's house ought to be regulated.

If Mr Robertson wishes to bring forward testimonies from the continental churches on this subject, that may either affect our own judgment in the way of authority, or afford a presumption as to the opinions of our Reformers, he must produce to us, not the



civil law,—not the actual practice that prevailed,—but *the doctrine of the churches*, as embodied in their confessions, or the mature and deliberate judgment of the illustrious Reformers by whom they were founded. A large portion of Lord Medwyn's "investigation" of this subject, which Mr Robertson has characterized as "searching," proceeds upon this obvious fallacy,—that he regards a proof of the actual practice as a proof *of the doctrine of the church where the practice prevailed*,—just as if we had not access to the confessions of these churches, and to the recorded sentiments of the illustrious men by whom these confessions were prepared. The truth is, that the Reformers of the Continent, just like the Reformers of our own country, did not succeed in getting their views about the appointment of ministers adopted and acted upon by the civil authorities;\* and therefore we are not to look to the civil law, or to the actual practice, which must have been somewhat affected by the state of the law, in order to ascertain what the judgment of these churches and of their founders was; while, at the same time, it is manifest that it is only the mature and deliberate judgment of the great Reformers which should possess the slightest weight, either in influencing our opinions, or in assisting us in ascertaining the views of the Reformers of our own country.

Mr Robertson, we presume, will not deny that the Reformed churches in general, and the great body of the Reformers, maintained, as a scriptural principle, the right of the Christian people to the substantial choice of their own ministers, and the necessity of their consent to the formation of the pastoral relation. It would have been strange, indeed, if the Reformers had denied to the Christian people a right which they enjoyed "until the Kirk was corrupted by Antichrist," and which is even sanctioned by the provisions of the canon law. And it should farther be observed, that the general doctrine of the Reformers about the

\* Zanchius, one of the most distinguished of the associates of the original Reformers, after having established from Scripture and antiquity the following position—the words are remarkable:—*Electionem ministro- rum communem esse debere toti ecclesie; hoc est, neminem ad ministerium esse eligendum et admittendum, nisi ex consensu et approbatione ec-*

*clesiæ cui minister ille inservire debet,*" goes on to say, "*Servatur hæc eadem consuetudo etiamnum in multis ecclesiis Reformatis. Sed in pluribus etiam summa est confusio, et contra constitutionem Apostolicam, veteresque canones eliguntur ministri: et nescientibus atque etiam invitis Ecclesiis obtruduntur.*"—(Zanchii opera, tom iv. pp. 781, 782. Genevæ, 1619.)



choice or consent of the people in the appointment of ministers, was not an isolated opinion, founded solely upon the consideration of particular statements of Scripture bearing more or less directly upon this subject, or on the general dictates of reason and common sense. It was also founded on, and was the natural result of, those great fundamental principles on which the whole reformation from Popery was built and defended. It was seen to be clearly involved in, or logically deducible from, the great principles, that God alone is Lord of the conscience—that every man is possessed of the right of private judgment, is responsible for his own salvation, and must bear his own burden—that Jesus Christ is the only King and Head of the church—that He has left no vicegerent on earth, and authorized none to lord it over His heritage; and it was, if possible, still more explicitly involved in the principle on which they generally defended the validity of their mission, their right to administer ordinances, as set forth in the declaration of our own Confession, that “to this catholic visible church, consisting of all those throughout the world that profess the true religion, together with their children, Christ hath given the ministry, oracles, and ordinances of God.”

It was justly, then, reckoned a principle of the Reformation, that ministers should be settled only upon the choice or with the consent of the people; and, accordingly, Bellarmine states this as one of the doctrines of the Reformers, which he, as a Papist, undertook to refute:—“*Sententia est Martini Lutheri, Joannis Calvinii, Matthiæ Illyrici, Joannis Brentii, Martini Kemnitii, aliorumque hujus temporis Sectariorum, electionem et vocationem jure divino ad ecclesiam universam, hoc est, ad clerum et populum spectare, ita prorsus ut sine populi consensu ac suffragio, nemo legitime electus aut vocatus ad Episcopatum habeatur.*” \*

And not one of the great champions of Protestantism, who answered Bellarmine, denied that this was a correct account of the doctrine of the Reformers on this subject. Hence the truth of the assertion which we formerly made:—“Dr Muir and our opponents can produce no authorities in support of their notions, except from Popish, and perhaps a few Prelatic writers, and from some of those ungodly ecclesiastical politicians, who sprung up

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\* De Clericis, lib. i. c. ii., p. 94.

and acquired influence in other Protestant churches, as well as our own, during last century.” \*

Even Hooker, in an important passage, admits the necessity of the people’s consent to the formation of the pastoral relation.† We have no hesitation in saying, that our opponents, in maintaining the right of church courts to thrust ministers upon reclaiming Christian congregations, prove that they are either Popish in spirit (for Luther used to say, that every man had a Pope in his own belly), or else that they are deplorably ignorant of the fundamental principles of the Reformation.

*Sec. III.—Views of the Church of Scotland,—1560–1581.*

In proceeding to consider the acknowledged laws and constitutions of the church, Mr Robertson says,—“It will be rather singular, if, in the Reformed Church of Scotland, we find no traces of a doctrine which seems to have prevailed so generally among the continental churches.”

This doctrine is, that the people have only the right of stating objections of which the church courts are to judge, and that church courts, when they think the grounds of the people’s objections insufficient, are entitled to intrude a minister upon the reclaiming congregation. The only evidence he has produced, that “this doctrine prevailed generally among the continental churches,” is the quotation from Boehmer, which, we think, has been satisfactorily disposed of. We hold ourselves much better entitled to introduce this subject by saying, that, considering the place and influence assigned to the people in the appointment of ministers by the canon law, and by the Confessions of the Reformed churches, it would be strange indeed if the Church of Scotland allowed them no higher place or influence than the right of objecting on cause shown.

The fundamental doctrine or principle on this point laid down in the First Book of Discipline, in accordance with the doctrine of the primitive church, and of the Reformed churches on the Continent, is,—that “it appertaineth to the people, and to every several congregation, to elect their minister ;” and on the grounds

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\* Strictures on the Rev. Jas. Robertson’s Observations upon the Veto Act, p. 26.

† Eccl. Polity, B. vii. sec. 14.

already explained, it is manifest that the men who maintained this doctrine could not, without gross and palpable inconsistency, admit the right of church courts, as a general principle, and, according to their discretion, to thrust ministers upon reclaiming congregations. The whole character and spirit of this doctrine are flatly opposed to the doctrine of Mr Robertson and his friends. The two principles could not possibly dwell together in one and the same mind. Every man who holds the leading principle of the First Book of Discipline on this subject, must repudiate the Popish principle of Mr Robertson; and it is not possible to conceive that the authors of this book could have produced the arguments on which they defended this principle, without demolishing, *a fortiori*, every ground on which the pretended right of church courts to intrude ministers upon reclaiming congregations is founded. Our Reformers certainly took the best means of preventing the possibility of intrusion, when they gave the people the right of choosing their own ministers.

But Mr Robertson, and others who support the same views, have endeavoured to gain some countenance to their notions from another statement in this book. We shall give the passage at length, and not in the garbled and mutilated way in which it is usually put forth by our opponents:—"It appertaineth to the people, and to every several congregation, to elect their minister. And in case that they be found negligent therein the space of forty days, the best reformed church, to wit, the church of the superintendent with his councell, may present unto them a man whom they judge apt to feed the flock of Christ Jesus, who must be examined as well in life and manners, as in doctrine and knowledge.—If his doctrine be found wholesome, and able to instruct the simple, and if the church justly can reprehend nothing in his life, doctrine, nor utterance, then we judge the church, which before was destitute, unreasonable if they refuse him whom the Church did offer; and that they should be compelled, by the censure of the Councell and Church, to receive the person appointed and approved by the judgment of the godly and learned; unless that the same church have presented a man better, or as well qualified to the examination, before that this foresaid trial was taken of the person presented by the Councell of the whole Church. As, for example, the Councell of the Church presents to any church a man to be their minister, not knowing that they are

otherwise provided ; in the meantime, the church is provided of another, sufficient in their judgment for that charge, whom they present to the learned ministers and next reformed church to be examined. In this case, the presentation of the people, to whom he should be appointed pastor, must be preferred to the presentation of the Councill or greater Church, unless the person presented by the inferior church be judged unable of the regiment by the learned. For altogether this is to be avoided, that any man be violently intruded or thrust in upon any congregation ; but this liberty with all care must be reserved to every several church to have their votes and suffrages in election of their ministers. But violent intrusion we call not when the Councill of the Church in the fear of God, and for the salvation of the people, offereth unto them a sufficient man to instruct them, whom they shall not be forced to admit before just examination, as before is said."

Here let us first notice the confirmation which the whole passage affords of the general principle of election by the people. It lays down the position, that "altogether this is to be avoided, that any man be violently intruded or thrust in upon any congregation ; but this liberty with all care must be reserved to every several church to have their votes and suffrages in the election of their ministers,"—a declaration plainly introduced for the very purpose of guarding against the impression that, in making provision for a certain case, they were renouncing or violating the general principle with which the whole statement commences. It farther provides, that even where the people neglect to choose a minister in due time, and the council or church court propose to them a well-qualified man to be their minister, but the people, in the meantime, choose a well-qualified person for themselves, "the presentation of the people must be preferred to the presentation of council,"—a provision which some of our opponents must regard with horror, as flatly inconsistent with their Popish notions about the lordly authority of church courts. These considerations confirm the general position, that the First Book of Discipline is decidedly opposed to the idea that church courts have a general right to intrude at their discretion, or that the people are not entitled, in all ordinary circumstances, to be protected against intrusion.

We admit that the First Book of Discipline contemplates the possibility of cases occurring in which church courts might settle a minister even when the congregation were averse to his settle-

ment, if they could not substantiate reasons of objection. But none of us disputes this, and it is not in the least inconsistent with our principles. The great question is, In what circumstances, or upon what grounds, may such a power be exercised? Mr Robertson, in commenting upon this passage, says, "It is abundantly evident, that in the only circumstances in which the non-intrusion principle could have been brought into operation, it is completely excluded." We say, that the non-intrusion principle is brought into operation, wherever, by giving the people the election of their own ministers, the best and most effectual provision is made against intrusion. And it will not do for Mr Robertson to wrap up his account of the special case provided for in such vague and general terms, as "the only circumstances in which the non-intrusion principle could have been brought into operation," or, "the moment that the right of electing passes fully into the hands of another party." It may be convenient for him to slur over the account of the special case in this way; but we must state it distinctly, and explain in what circumstances, and upon what grounds, "the right of election passed into the hands of another party." It is only when the people are found negligent in discharging the duty, or exercising the privilege, of choosing a minister for themselves. This, of course, was an extraordinary case, and one which required to be provided for. It could be provided for, on right principles, in no other way than by extending *pro hac vice* the authority of the church courts,—for no other party but the presbytery and the congregation ought to have anything to do with the settlement of ministers. The case, then, in which "the right of electing passed into other hands," was one in which the people had acted in such a way as rightly to expose themselves to the exercise of ecclesiastical discipline,—in which they fairly incurred a forfeiture of their ordinary rights and privileges,—and in which there was a necessity for some provision different from the ordinary mode of procedure. It is scarcely fair to talk vaguely of the case, when "the election passed into other hands," without adverting to the distinct specification given of the circumstances which determine the true character of the case, and evince the manifest contrariety between the doctrine of the First Book of Discipline and that of our opponents. The intrusion of our opponents is the general rule, the ordinary principle of procedure, founded upon general views of a

Popish character in regard to the authority of church courts and the subordination of the people. The First Book of Discipline repudiates all such Popish principles, and the ordinary right founded upon them ; and merely makes provision in the only way in which provision could be made for a special and extraordinary case,—calling for the exercise of discipline,—warranting a forfeiture, for the time, of ordinary rights, as involving a neglect of duty on the part of the people, and a refusal to exercise their privileges,—a case which rendered it not only lawful, but necessary, to deal with the congregation in this instance as if they were not properly speaking a Christian flock, but a body of men who needed a minister, rather in the character of a missionary than a pastor.

The non-intrusionists have never disputed that the church courts may be entitled, on adequate grounds, and in the exercise of discipline, to suspend a congregation from the ordinary rights of church membership, including the right of electing or dissenting. We are fully aware that this power of church courts is liable to be abused and converted into an instrument of tyranny and oppression ; but believing, in common with all Presbyterians, that this right rests upon scriptural authority, we will not withhold or oppose it, because the exercise of it may be liable to abuse ; and we wish that our opponents would act upon the same principle in regard to the Christian people, and not trample upon their rights, or rather deny that they have any rights, merely because power in their hands, like power in the hands of any other party, may sometimes be abused.

It is thus manifest how unreasonable and unfair it is for intrusionists to appeal to the First Book of Discipline in support of their principles, since the fundamental doctrine which it lays down on this subject is flatly opposed to intrusion ; and since the only thing in it that even seems to countenance intrusion, is an extraordinary provision for a special case, resting upon peculiar grounds, and affording not a shadow of foundation for the general position of our opponents about the right of church courts to intrude ministers upon reclaiming congregations.

The provision in the First Book of Discipline, which our opponents pervert to serve their own purposes, is substantially analogous to that provision in our statute law, by which, when the patron neglects to present within six months, the presbytery are entitled to present *jure devoluto* ; and when our opponents appeal



to the First Book of Discipline in support of their principles, their conduct is exactly like that of men who should lay down the broad and general position, that the statute law of Scotland sanctioned the right of presbyteries to elect ministers, and should appeal, in support of the allegation, to the statutory provision about the *jus devolutum*.

Some years ago, when the subject of slavery was much discussed in this country, we remember that some foolish persons endeavoured to defend or palliate that infamous system, by alleging that it could not be so radically and essentially wrong as it was alleged to be, to keep men in a state of slavery, since substantially the same thing was done, with universal approbation, when men were forced to labour in the hulks. The answer to this poor pretence was obvious and conclusive. Slavery was a general interference with men's liberties, resting solely upon force, and not upon any right lawfully acquired by the master, or upon any forfeiture incurred or any punishment merited by the slave; whereas, labouring in the hulks was a special provision for an extraordinary case, and fully warranted by the consideration, that the special case thus provided for was that of conviction of a crime. Society has a right, in certain cases, to send men to the gallows as well as to the hulks; but that is no ground for maintaining that in general, and irrespective of the necessity of providing for the special case of conviction of a capital offence, "killing is no murder," or that men may be indiscriminately put to death. This foolish attempt to palliate or excuse the guilt of slavery, is strikingly analogous to the conduct of our opponents, in attempting to press the First Book of Discipline into the service of the cause of intrusion. The intrusion of our opponents is like the system of West Indian slavery, which, irrespective of the principles that ought to regulate conviction of crime and infliction of punishment, kept the great mass of the population in a state of cruel and iniquitous bondage; whereas the intrusion of the First Book of Discipline is analogous to the provision, that individuals who have been duly convicted of certain crimes, shall be forced to labour without remuneration in the hulks. In 1834, the British Parliament emancipated the slave, and bade the oppressed go free. In the same year, the General Assembly of the Church of Scotland broke the fetters in which the people of her communion had been long bound under the degrading yoke of Moderate domi-



nation, and, by establishing the great principle, that no minister shall be intruded into any parish contrary to the will of the congregation, raised them to the condition of free men. Notwithstanding the abolition of slavery, the practice of condemning men to the hulks as a punishment for crimes still continues; and notwithstanding the passing of the Veto Act, cases may possibly occur in which the special provision of the First Book of Discipline may be properly applied. And whenever a case occurs in which we may consider ourselves warranted to act in the spirit of that provision, we shall be quite prepared to defend our conduct in the matter, without abandoning or compromising a single principle which we have ever maintained.

If Mr Robertson should allege, that whether or not the First Book of Discipline sanctions his views, it does not sanction ours; and that, for anything it contains, it may still be true, that “the principles of the Veto Act are nowhere recognised in the acknowledged laws and constitutions of the church;” we answer, that the greater includes the less, and that the right to elect includes the right to give or withhold consent. Besides, the First Book of Discipline expressly declares, that “the admission of ministers to their offices must consist in the *consent* of the people and church whereto they shall be appointed, and approbation of the learned ministers appointed for their examination.” And no one, surely, who considers that it gives to the people the right of election, will assert that there is any ground for ascribing to the word *consent* here, an import less extensive than that which it naturally and ordinarily bears, as implying at least a negative. No man, we think, can seriously doubt, that the authors of the First Book of Discipline would have been on the side of the majority in the great contest in which the church is now engaged. The grand Protestant principle, that “it appertaineth to the people, and to every several congregation, to elect their minister,” at once crushes into dust, and scatters to the four winds of heaven, all the Popish and Prelatic pleas of our opponents about the paramount jurisdiction and authority of church courts, and the utter and helpless subordination of the people, in regard to the appointment of ministers.

If our opponents allege, that they refer to the First Book of Discipline only to settle the meaning of the phrase “intrusion,” and to prove that they should not be denounced as intrusionists,

because they hold that ministers may be settled even when the congregation is opposed to the settlement; we answer, first, That we do not hold ourselves bound to adhere rigidly to the authority of that book in a mere question of nomenclature,—in determining the exact import in which alone a particular expression ought to be used. Secondly, That it is enough for us, that the substance of the doctrine laid down in that work accords with our principle, and is diametrically opposed in tenor and in spirit to that of our opponents. And, thirdly, That if our opponents would honestly and cordially adopt the *whole doctrine* of the First Book of Discipline on the subject of the appointment of ministers, and exert themselves to get it established both by civil and ecclesiastical law, we would never again denounce them as intrusionists, but would hail them as the friends of the great Protestant principle of religious liberty.

We maintain, then, upon these grounds, that the principle of non-intrusion—the principle of the Veto Act—is recognised in the First Book of Discipline, which is, of course, to be ranked among the acknowledged laws and constitutions of the church; and we are happy to be able to produce, in support of this position, the testimony of Dr George Cook in his evidence before the Committee on Patronage. He there says,—“In it (the First Book of Discipline) the election of the minister was given to the people; that implied certainly that there was to be nobody intruded into the church.”\* It would have been much more creditable to Dr Muir, Mr Tait, and Mr Robertson, if they had made the same admission, in place of trying to wrest the statements of the First Book of Discipline to the support of doctrines which they ought to know that our Reformers would have rejected with scorn and indignation.

Mr Robertson says,—“There are strong reasons for believing that the Church of Scotland entertained, from a very early period, the design, afterwards fully developed in the Second Book of Discipline, of taking the right of nominating to the vacant offices of the ministry into her own hands.”† He then produces some quotations which manifestly afford no “strong reasons” for such an allegation. This allegation has been often made, but it has never been proved. Dr M’Crie, who, of all men that have

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\* Church Patronage Report, p. 316.

† P. 62.

ever directed their attention to the ecclesiastical history of Scotland, exhibited the finest combination of learning and judgment, has thus declared his opinion regarding it :—"I have seen no evidence that the presbyteries or other church courts, during the sixteenth or seventeenth century, ever entertained the wish to draw the patronage to themselves; and am decidedly of opinion, that any charge of that kind is entirely gratuitous."\*

This leads us to the examination of the doctrine of the Second Book of Discipline on this subject, with which also may be connected the consideration of the passage on which Mr Robertson founds so much, in the instructions to the visitors in 1576. The doctrine of the Second Book of Discipline on the subject of the appointment of ministers, is contained in the following statements :—"This ordinary and outward calling has two parts—election and ordination. Election is the choosing out of a person, or persons, most able to the office that is vacant, by the judgment of the eldership and consent of the congregation to whom the person or persons be appointed."—"In this ordinary election, it is to be eschewed, that no person be intruded into any of the offices of the kirk contrary to the will of the congregation to whom they are appointed, or without the voice of the eldership."—"The liberty of the election of persons called to the ecclesiastical functions, and observed without interruption so long as the kirk was not corrupted by Antichrist, we desire to be restored and retained within this realm, so that none be intruded upon any congregation, either by the prince or any inferior person, without lawful election and the assent of the people over whom the person is placed, as the practice of the apostolical and primitive kirk, and good order craves."

Now, before proceeding to consider the attempts that have been made to pervert these statements from their natural and obvious meaning, in order to prove that they do not support the principles of the Veto Act, we would advert in general to the apparent difference between the First and Second Books of Discipline on the subject of the election of ministers. It is commonly said, that while the First Book of Discipline gives the election of ministers to the people, the Second gives the election to the pres-

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\* Church Patronage Report, p. 358.

bytery, and only requires the consent of the people. We doubt much whether this statement be quite correct, and we are inclined to think that there is not so much difference, in this respect, between the two Books as may at first sight appear. Let us hear the opinion of Dr M'Crie upon it. In his evidence before the Patronage Committee, in answer to the question, obviously suggested by himself, "Did the Second Book of Discipline set aside the First, or establish a different mode from it as to the election of ministers?" he said,—“I know that some persons, for whose opinion I entertain a great respect, think that the Second Book of Discipline gives what is called the initiative to the eldership or presbytery; but, in my opinion, there are two considerations that are necessary to be attended to, in order to understand this point: first, the different division of the subject of *vocation* in the two Books. The First Book of Discipline divides vocation to the ministry into three parts, election, examination, and admission. The Second Book of Discipline divides the same subject into two parts, election and ordination, comprehending under election what is divided into two parts in the First Book of Discipline, under the names of election and examination. Accordingly, when the Second Book of Discipline describes what the calling of a minister is, it introduces the judgment of the eldership and the consent of the congregation. The second consideration which I deem necessary to form a correct opinion on this subject is, that the jurisdiction of the church was called in question at this time by the court; and as this jurisdiction had been ratified by Parliament, the Assembly, by declaring that election and examination belong to this jurisdiction, at once asserted their own rights, and took the liberties of the people under their wing. I have seen no evidence that the presbyteries or other church courts, during the sixteenth or seventeenth century, ever entertained the wish to draw the patronage to themselves; and am decidedly of opinion, that any charge of that kind is entirely gratuitous.”

Dr M'Crie here suggests two considerations that go far to account for the difference in language in the two Books, without supposing that anything materially different in doctrine was intended to be taught. The first is, that “election” is used in the Second Book in a much wider sense than in the First, as including everything comprehended in the vocation of a minister,—that is, in the whole process by which a man becomes qualified

for the office of the ministry, and entitled to exercise its functions, except ordination. And in this wide sense in which the word election is manifestly used in the Second Book, it could not be ascribed wholly to the people, even by men who intended to give them the whole power assigned to them in the First Book. When election is used in this sense, it is divided, even by those Presbyterians who hold the highest views of the people's rights, between the presbytery and the people, as it is universally allowed that the examination belongs to the presbytery, and that the "judgment of the eldership" must be interposed before the people can seriously think of any particular man for their minister. Election, then, is here used to include what, by universal admission, belongs partly to the presbytery and partly to the people; and the way in which the division is made, is by making the election consist both in the judgment of the eldership and the consent of the congregation. The judgment, then, of the eldership, in which election partly consists, comprehends examination and the decision of every question connected with the qualifications of the proposed minister, and may, therefore, not improbably, not include anything more. It should also be remembered, that there was not at this period provision for a formal licensing of probationers, and that, of course, when a parish became vacant, and the views of parties interested were turned, it may be, towards several young men who had been for some time preparing for the holy ministry, the nature of the case required, and the practice was, that the presbytery should examine them and give judgment on their qualifications and fitness, before any farther steps could be taken with a view to their settlement. This state of things naturally led to the giving prominence, in describing the vocation of ministers, to the judgment of the presbytery, the first and fundamental step in the whole process being a judgment of the presbytery corresponding to what we now have separately and antecedently, under the name of licensing, but which then was much more closely connected, both in point of time and efficacy, with the settlement and ordination.

That this was substantially the practice under the Second Book of Discipline, and that, while there was much comprehended under the head of election which was properly described as the judgment of the eldership, this did not necessarily imply that the presbytery had what we commonly call the initiative, is confirmed

by the account given us of the ordinary practice of the church, in the well-known work, entitled "The Government and Order of the Church of Scotland," published in 1641, and usually ascribed to Alexander Henderson. It appears from that work, that young men preparing for the ministry were, according to their proficiency or attainments, and without any formal license, or full and regular examination, allowed to take part in the exercise or prophecy with the ministers of the presbytery, and were sometimes permitted to preach before the people. When a church became vacant, the kirk-session, "with the consent and good-liking of the people," nominated one of these expectants to the presbytery, who *then* examined him "in the languages, Latin, Greek, and Hebrew,—in his interpreting of Scripture, in the controversies of Religion, in his gift of exhortation,—in the holy and ecclesiastical history and chronology;—and . . . of his life and manner of conversation. Being thus examined, and found qualified for that charge, he is sent to the vacant place, that the people" (who had already substantially chosen him) "hearing him, may have the *greater* assurance of his gifts for edification."\* Hence it is manifest that in this election, taking that word as it is used in the Second Book of Discipline to comprehend everything but the ordination,† the presbytery had not the initiative; and yet, considering the important place they held,—the important influence they exerted, or might exert, upon the result,—the whole process might, with propriety, be described in the words of the Second Book of Discipline, as consisting in the "judgment of the presbytery, and consent of the congregation."

This seems to be substantially the principle involved in Dr M'Crie's statement about the difference between the two Books, as to the division of the general subject of vocation. Election being used as including the whole process connected with the making of ministers, except the ordination, could not, of course, be ascribed either to the presbytery or the people, but must, on Presbyterian principles, be divided between them; and, moreover, as the judgment of the presbytery, which thus, along with the consent of the people, constitutes election, comprehends, of course, examination, it is not at once to be assumed as a matter

\* Pp. 6 and 7.

† In this treatise (p. 9), the word *election* is also used in the same ex-

tensive sense, as comprehending the whole process of vocation except ordination.



of course, that it includes the initiative. It may possibly include the initiative, but it must necessarily include the whole subject of qualification and examination; and if it be alleged that it also includes the initiative, then this requires separate and independent proof.

The other consideration referred to by Dr M'Crie is, that in the contests in which the church was then engaged, she found the civil power somewhat more disposed to recognise the rights of church courts than the rights of the Christian people, and was thus naturally led, for the sake of the people, rather to give prominence to the rights of church courts, and in her public statements and dealings with the civil power to keep those of the people in abeyance. On this account we may naturally expect to find the powers and prerogatives of the church courts set forth in the fullest and strongest language that truth and principle would warrant, and the rights of the people set forth in the softest and gentlest terms that were consistent with truth and integrity. Now we are aware that these considerations do not, of themselves, afford any direct and positive proof that "the Second Book of Discipline does not lay down any doctrine on the subject of the election of ministers substantially different from that of the First;" but they prove these points: First, That the ascription of a portion of what is included in the election to the presbytery does not necessarily imply that the people have not the whole of what is usually called election,—the whole of what is so called in the First Book of Discipline. Secondly, That, since the judgment of the eldership necessarily includes the whole subject of examination, there is no necessity, in order, as it were, to find full meaning for this expression, to comprehend in it the initiative. Thirdly, That, in endeavouring to ascertain precisely what is included in the judgment of the presbytery, and what in the consent of the congregation, we are entitled to interpret the former strictly, and the latter liberally. The precise question is, Whether the Second Book of Discipline has transferred the initiative or the election, in the more proper and limited sense of the word, from the people to the presbytery? or, in other words, Whether the initiative is to be regarded as comprehended in the judgment of the presbytery, or in the consent of the people? It is improbable that this change was intended, for we do not know of anything historically that was likely to have led to it; and we



know nothing implying any understanding on the part of cotemporaries, that such a change had been made.

The whole meaning of the phrase, "judgment of the presbytery," seems to be fairly and fully exhausted, when it is considered as comprehending what all regard as belonging to the presbytery—the settling the whole matter of qualification, the sole power of examining and licensing, the superintendence of the whole process, and the right of granting or refusing induction. And, on the other hand, we have no hesitation in saying, that the consent of the congregation may be fairly regarded as including the initiative—the whole of what, under the name of election, was given in the First Book to the people; or at least that there is better ground for asserting that this may include the initiative, than that the judgment of the presbytery may comprehend it. We have already shown, that in the primitive church, and in the canon law, the consent of the people was used as substantially synonymous with their choice or election; and we there produced an important testimony to this effect from Blondel. This consideration is the more important, because the Second Book of Discipline expressly refers "to the practice of the apostolical and primitive kirk" as the standard by which this matter ought to be regulated; and it is certain that it was not till the sixth century that the clergy began to assume to themselves, as a matter of right, the election or nomination of ministers. It is also well known, that the great body of the Reformers, while maintaining the right of the people to the choice of their own ministers, frequently speak of their approbation and consent as meaning substantially the same thing as their choice.

On these grounds there is an *usus loquendi* established, which entitles us to say, that the consent of the people in the Second Book of Discipline may be fairly regarded as substantially synonymous with election. And these arguments are greatly confirmed by what we find in the First Book of Discipline itself. For example, that Book declares, almost in the very words used in the Second, that "the admission of ministers to their offices must consist in the consent of the people whereto they shall be appointed, and approbation of the learned ministers appointed for their examination." The approbation of the ministers, and the consent of the people, are here apparently the same as the "judgment of the eldership and the consent of the congregation" in the Second

Book. The approbation of the ministers in the First Book manifestly did not include the initiative or election, and the consent of the people as manifestly did include it; and why should not substantially the same interpretation be put upon the judgment of the eldership and the consent of the congregation in the Second? And there is nothing strained or unnatural in giving this wide meaning, as has been so generally done, to the word *consent*. If the appointment of ministers were vested in the only parties who ought to have anything to do with it,—namely, the presbytery and the people; and if no foreign and unlawful authority, such as that of patrons, were allowed to interfere (and it is on this theory that the Second Book of Discipline is founded), then it is manifest that the necessity of securing the consent of the people, would practically and substantially secure to them, in ordinary cases, the actual election from among qualified persons. Even if it were clear and certain that the presbytery had by law the initiative, but were bound to have the consent of the people before they proceeded to induct, then, if no civil rights of patrons interfered, this would naturally, and almost as a matter of course, lead in most cases to such an understanding or arrangement between the presbytery and the people, as would give to the latter substantially the choice of their own ministers. And if the requiring the consent of the people would thus substantially secure to them the election, even if the presbytery had the initiative, when there was no other party to interfere, need we be surprised that the word *consent* should be used in the Second Book of Discipline, as it unquestionably was in the primitive church, in the canon law, and in the writings of the Reformers, as practically synonymous with election?

That the Second Book was not intended to introduce any doctrine on this subject materially different from that contained in the First, is confirmed by the fact, that there is no evidence of any general or important change in the actual practice of the church after the Second Book was established. The presbytery might, indeed, generally recommend one or more persons to a vacant parish; but without the cordial consent or concurrence of the people, none of them could be settled there. We have positive evidence that, down till 1624, the people of Edinburgh had the choice of their own ministers; for Spottiswoode tells us,\* that then

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\* P. 545.

“the popular election of ministers, when, as places by an occasion fell void, was discharged, and the presentation appointed to be made by the provost, bailies, and council.” This popular election was certainly not one of the fruits of Episcopacy, and it could have continued till 1624 only because it had been firmly established in practice while the Second Book of Discipline was the law of the Church. And we have no ground to suppose that the practice in Edinburgh differed from that over the rest of the kingdom. In the account given of the general practice after the restoration of Presbytery, in the work formerly referred to, and published in 1641, there is no trace of the presbytery claiming or exercising the initiative,—a fact scarcely consistent with the idea that the Second Book of Discipline was understood to give the election to the presbytery, and that this scheme was acted upon after that Book became the law of the church ; whereas the initiative that seems then to have been generally exercised by the kirk-session, “with the consent and good-liking of the people,” was much more naturally the indication and the result of the practice of popular election, as popular election would readily, in ordinary circumstances, assume that form when the elders fairly represented the people, and possessed their confidence.

If it be true that the Second Book of Discipline was not intended to sanction, and, in point of fact, did not sanction, a mode of appointing ministers materially or substantially different from that laid down in the First, then it follows, upon grounds already established, that it cannot possibly give any countenance to the views of our opponents ; and that the *consent* there required, and the intrusion against the will of the congregation there forbidden, must imply the possession of a much higher right on the part of the people, than that merely of stating objections, of which the church courts are to judge. But we are willing to admit, for the sake of argument, that the Second Book of Discipline does give the election or initiative to the presbytery, while yet we maintain, that the consent there secured to the people, and the provision, that no man be intruded contrary to the will of the congregation, do explicitly sanction the principles of the Veto Act. Mr Robertson, of course, maintains that the consent of the congregation required by the Second Book of Discipline, and the provision, that no person be intruded into any office of the kirk contrary to the will of the people, mean merely, that before any minister be settled,

the congregation must be informed of it, and must have an opportunity of giving in objections ; but that the church courts, if they think the reasons of objection ill-founded, are entitled to intrude ministers upon reclaiming congregations ; while we maintain that, under these provisions, the refusal of the consent, or the positive dissent of the congregation, was a conclusive bar to the settlement.

Now, here we may observe, that a very great antecedent improbability attaches to the notion that the Second Book of Discipline gives to the people only a right of stating objections of which another party is to judge. The First Book of Discipline gave them the right of election. We know of no ground for believing that in the interval there was any material change of sentiment in the church on this point ; and, therefore, even if we were forced to admit that the Second Book took away from them the initiative, we would naturally expect that it would still leave them the right of giving or withholding their consent. We never could suppose, without very conclusive evidence, that the church would sink so rapidly from the high Protestant principle of the right of the people to choose their own ministers, down to the lowest depths of Popery and Moderatism, and give them only a right of objecting on cause shown. When the Second Book holds up the standard of the apostolic and primitive kirk, and denounces so strongly the corruptions introduced on this subject by Antichrist, it is surely in the highest degree improbable that it should give the people no higher rights than what Mr Robertson concedes to them, *and what no Papist has ever in theory denied to them.*

Our opponents, indeed, sometimes speak as if there was something so essentially absurd about our views that they should not rashly, or without very strong evidence, be ascribed to any men. Thus, Lord Corehouse, in discussing the First Book of Discipline,\* says, that “the instant that the right to present passes into the hands of a third party, not only the maxim (about the consent of the people), but its *necessary* limitation, appears.” And again,† he talks of “the maxim, and its limitation, or rather the maxim construed in a sound and reasonable sense.” But why is any limitation of the maxim about the people’s consent necessary,—that is, necessary to be understood, even when it is not actually expressed ?

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\* Auchterarder Report, p. 223.

† P. 221.

Are not the right of giving or withholding consent, without being obliged to substantiate reasons to the satisfaction of another party, and the right of stating objections of which another party is to judge, two totally distinct things, each of them perfectly intelligible, although founded upon very different views of the rights and standing of the Christian people? Is there anything so manifestly and inherently absurd in the idea, that the Christian people ought to have a larger share of influence in the appointment of their ministers, than merely the right of stating objections of which another party is to judge,—that every statement which seems to ascribe to them a higher standing and influence, must be tortured and perverted to bring it down to the level of Popery and Moderatism? As the primitive church, and the great body of the Reformers, held that the people have a right to elect their own ministers, there surely can be nothing so manifestly and palpably absurd in the idea, that they may have a somewhat less extensive right, and yet one decidedly higher than that which our opponents concede to them, that intelligent men may honestly think that,—while there may be no very definite grounds in Scripture or reason for deciding certainly where the initiative should lie,—yet the people are entitled freely, and on the ground of their own convictions, to give or withhold their consent to the admission of any man proposed as their pastor.

Mr Robertson makes a similar attempt to scout our principle from the field of fair discussion, by misrepresenting it. He introduces his examination of the import of the provision, “that no man be intruded into any of the offices of the kirk contrary to the will of the congregation,” in this way:—“Does, then, the term *will*, in the phrase now adverted to, imply exclusively an act of the congregation, for which they must render a satisfactory reason, or may it imply also such an act as originates either in prejudice, or in the blind impulses of strongly excited passion?” Now we must tell Mr Robertson that his two alternatives do not fully exhaust the subject. The will of the people may “describe an act” of which it is true, *neither* that it is founded on caprice or passion, *nor* that they must render a reason for it, *that shall be satisfactory to others*. It may describe an act which is founded on good and sufficient reasons, of the sufficiency of which, however, no other party may be entitled to judge, and which no other party, thinking the reasons insufficient, is entitled on that

account to set aside; and this indeed is what we contend for, and what we expect will ordinarily be exhibited where a Christian congregation dissents from the settlement of a man proposed to be their minister.

We think that the church courts have no right to thrust ministers upon reclaiming congregations, and that the Christian people have a right to prevent a minister being thrust upon them against their will. When a man is proposed to a parish to be their minister, it is their duty to take the subject into their serious consideration, and deliberately and impartially to decide whether it would be for the glory of God and the spiritual welfare of the congregation, that they should consent to this man becoming their minister. This is the proper theory of the matter, and we doubt not, in general, will be the actual practice. They are, of course, liable, in deciding upon this point, as on everything else, to mistake, or to be perverted; but it does not by any means follow from this, that another party, equally fallible, is entitled to review the people's decision, and, if they take a different view of the matter, to set it aside, and to thrust a minister upon them against their will. If the people decide upon the question, whether they should consent to a particular individual being settled as their pastor, from caprice or passion, they act sinfully, and every proper means should be taken to prevent, and, it may be, even to punish this. If any infallible tribunal can be found to decide such questions, let its decision be obeyed; but as the church courts are not infallible any more than the people,—as we know no ground on which church courts are entitled to set aside the deliberate decision of a Christian congregation on this point,—and think the people quite as likely, in all ordinary circumstances, to decide impartially and correctly *on a question of this sort* as the presbytery, we cannot consent, as a security against occasional evils resulting from the imperfections of human nature common to all, to reduce the Christian people to the condition of slaves, and to invest the presbytery with a Popish dominion over their consciences.

The presbytery are entitled to decide in each case, on their own responsibility to the Head of the church, whether or not they will induct and ordain. They are just as likely to mistake and to be perverted in deciding upon these questions which come before them as office-bearers, as the people are in deciding upon those which come competently before them as ordinary members



of the church ; and yet it will scarcely be contended that there ought to be some other power entitled to review and reverse the decisions of church courts upon these points. Perhaps, however, we are doing injustice to our opponents in making this statement. Probably they will say, that it is just because presbyteries are liable to act from caprice or passion, as well as the people, that they wish to give the Court of Session a superintending power to review the decisions both of presbyteries and people in regard to the settlement of ministers. This, indeed, would only be consistent on the part of our opponents ; but we scarcely think that such a proposal will recommend itself to Scottish Presbyterians as either a lawful or an expedient way of providing for the right administration of a most important department of "that distinct government which Christ has appointed in His church." \*

The Christian people, in deciding whether they should consent to receive a particular individual as their minister, ought to act conscientiously, upon an impartial and deliberate consideration of the nature of the case, and of the grounds on which such a case ought to be decided ; but we object to stating our principle in this form,—“that no man be intruded contrary to the conscientious mind of the congregation,” because this seems to imply, that another party, not more likely to be either conscientious or correct in deciding upon such a question, is entitled to determine whether the people’s dissent be conscientious or not, and, if they choose to say that it was not conscientious, to set it aside.

We are willing, then, to admit, for the sake of argument, that the Second Book of Discipline transfers the initiative, or the election in the more limited meaning of the word, from the people to the presbytery, and to forego the advantage to which we might be fairly entitled, from the evidence that has been adduced of the substantial identity of the First and Second Books, in explaining the import of the consent of the congregation. But we insist that our principles shall not be assumed to be so unintelligible and unreasonable, that the words of our standards must be twisted and

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\* Lord Aberdeen has told us (Speech, p. 18), that “the *law* has no passions, violence, nor prejudices.” This may be true ; but no man who has read the speeches of the Lord President and Lord Gillies, in passing the Strathbogie interdict, will venture to assert

that the *interpreters* of the law have “no passions, violence, nor prejudices ;” while it is also plain, that they have neither received “gifts for government in the church, nor a commission to execute the same.”



perverted, in order, if possible, to bring out of them a meaning adverse to our views. We wish fairly to ascertain the true and real meaning of the declarations of the Second Book of Discipline, that "election is the choosing out of a person, or persons, most able to the office that is vacant, by the judgment of the eldership and consent of the congregation to whom the person or persons be appointed;" and that "in this ordinary election it is to be eschewed, that no person be intruded in any of the offices of the kirk contrary to the will of the congregation to whom they are appointed."

In discussing this point, our chief difficulty is to find any medium of proof to make more plain what we think must be manifest to every one who will allow himself to consider the subject impartially. No man will dispute that these declarations, understood in their natural and obvious meaning, do give the congregation a negative upon the settlement,—that they prohibit the admission of a minister, to whose settlement the congregation are openly and decidedly opposed,—that they enact that no man should be admitted while the congregation continue to resist his admission. All this is surely involved in the plain and natural meaning of the words; and no man, in explaining such statements made in regard to any other subject, would ever entertain a doubt that they fully established a veto or negative. It is not alleged that there is anything in the book itself to limit the meaning of these declarations, or to show that they are to be taken in any other sense than that which the words ordinarily bear. No attempt has been made to show, that provisions couched in such language have ever been made by legislators, civil or ecclesiastical, where it was not intended to establish a negative, and where it was not universally understood that a negative had been established. Mr Robertson has made no attempt to show that, according to any recognised principles or standard of interpretation, the words may and should be taken in his sense, as meaning merely a right of objecting. He has not pretended to produce a single instance in which such statements were ever made, without being universally understood to convey a veto or negative. Now, these are the only primary and direct sources of information for determining the import of these declarations; and yet Mr Robertson has wholly overlooked them, and has had recourse exclusively to subsidiary and collateral ones, to which no judicious and candid interpreter will resort, except when the direct and primary sources of information fail in bringing out

any distinct or definite conclusion, and which certainly should be held of no avail when opposed to the direct and primary sources of knowledge upon the subject.

Mr Robertson never ventures to look the terms of the Second Book of Discipline fairly in the face; he makes no direct attempt, properly speaking, to distort their meaning, for he never really investigates it; but having proved to his own satisfaction that Calvin and Beza used language somewhat similar without intending it to be taken in our sense, and that the General Assembly, nearly twenty years after the Book was adopted, made a statement that seems to countenance his views;—on these grounds, and on these alone, he dogmatically declares that the Second Book of Discipline does not sanction the principles of the Veto Act; while he has not produced, and does not attempt or pretend to produce, a particle of evidence to show that the words actually employed, may, according to the ordinary usage of language, be taken in his sense; or that such words, unaccompanied by any explanation, ever have been employed in legislation, without being intended to be taken in a sense that would make them perfectly conclusive in favour of our principles. Unless our opponents can show that, *according to the usage of language*, the statements, as we find them in the Second Book of Discipline, *may be taken in their sense*, no collateral or subsidiary considerations can compensate for this radical defect in their reasonings. They must first prove that the words, according to the usage of language, may be taken in their sense, and then they must produce distinct and independent evidence that they were intended to be used in their sense,—for the *onus probandi* manifestly lies on them. Our view is that which is plainly implied in the natural and obvious meaning of the words; and if any man proposes to assign to them a different meaning, he is bound to establish, first, The necessity of a deviation from the natural and ordinary meaning of the words; secondly, The possibility, according to the usage of language, of their being understood in the sense which he ascribes to them; and, thirdly, The certainty of the matter of fact, that they are there used in his sense.

The “consent of the congregation,” we say, just means, “the consent of the congregation,” and, of course, it cannot apply to a case where the congregation openly and decidedly oppose the settlement. “Intrusion contrary to the will of the congregation,” we say, just means “intrusion contrary to the will of the congre-

gation ;” and where this is prohibited, then, of course, every case of the settlement of a presentee, in which the people declare their decided dislike to receiving him as their minister, is forbidden. Our opponents have sometimes affected to argue as if all that was prohibited upon this point in the Second Book of Discipline was “intrusion,” and have then tried to show that cases sometimes occurred in those days in which intrusions were practised,—that is, in which persons were settled who were not examined and declared qualified by the church courts. Having shown this, they then insinuate what they dare not assert, that it was only such intrusions as these that were prohibited in the Second Book of Discipline. Now there might be some plausibility in this argument, if it was only “intrusion” that was prohibited ; but what is prohibited is the “intrusion of any person into any office of the kirk contrary to the will of the congregation to whom they are appointed ;” and this statement has a clear and definite meaning, which cannot be neutralized by any process of critical chemistry, and which will stand firm and impregnable amid all assaults, a conclusive demonstration that the principles of the Veto Act are recognised in the acknowledged laws and constitutions of the church.

We acknowledge that the word *consent* is used in a very wide and general sense, and that its meaning admits of being modified by the other statements with which it is accompanied. But in its natural and proper meaning, when used without any explanation or limitation, it implies an absolute right of dissent. Some such statement as this might be made about the settlement of ministers, and it would be quite intelligible “that it was very desirable the people should give their consent to the settlement of the man proposed to be their minister, and should cordially welcome him ; that, if they refused their consent, they should be dealt with as to the grounds of their objections or dissatisfaction, and every effort should be made to persuade them to consent ; but that, if the presbytery thought their objections groundless, they should proceed to settle him even though the people still continued to oppose his admission.” Now this statement is quite intelligible, it is wholly in favour of Mr Robertson’s principles, and yet it may seem to contain a testimony in favour of the consent of the congregation by pointing out its importance and desirableness ; but it gives also a clear illustration of what is the true import of the consent of the congregation, as it plainly implies, that under the

system there described, the consent of the people *is not required, is not necessary, is not essential to the settlement*, which may take place without it, or against it.

No one denies that it is highly desirable that the congregation should consent to the settlement of the man who is to be their pastor; but the question, *and the only question*, is, whether this consent be necessary,—be required,—so that where it cannot be had the settlement shall not go on. Now the Second Book of Discipline makes the consent of the congregation, equally with the judgment of the eldership, an essential and indispensable part of the election,—its statement plainly implying, that as there is no valid election without the judgment of the eldership, neither is there any valid election without the consent of the congregation. The consent of the congregation, therefore, in the Second Book of Discipline, is to be taken in its full and proper sense; and being there not merely recommended, but required, there is thus interposed a barrier to the settlement of ministers, which nothing less than giving the people an opportunity of dissenting, and ascertaining that they do not dissent, can fully remove.

The Act which was passed by the Scottish Parliament in 1707, in regard to the teinds, provided that the Court of Teinds should have the power of transporting kirks, etc., but “always *with the consent* of the heritors of three parts of four, at least, of the valuation of the parish.” Has any man ever disputed that this provision gives, and was intended to give, to three-fourths of the heritors an absolute veto or negative upon the erecting and building of new churches? Has it ever been contended that the Court of Teinds were entitled to call upon the heritors to state the grounds why they withheld their consent, and, if the court thought the reasons insufficient, to set aside their opposition, and to order the erection of a new church? Will it be asserted that there is anything more full and stringent in this Act of Parliament than in the Second Book of Discipline about *consent*; or that there is anything in the Second Book of Discipline, more than in the Act of Parliament, to limit or explain what is implied in the consent that is required? And if neither of these things can be asserted, what good ground can there be for putting an interpretation so very different upon the terms of the two documents? We would again call upon Mr Robertson to say, whether he will undertake to produce, from the whole circle of legislation, ancient or modern,

civil or ecclesiastical, a single instance of an enactment or declaration simply providing, in substance, that a certain procedure shall not be adopted without the consent or against the will of a particular party, which was not intended to give, and has not been generally understood as giving, a veto or negative to that party, on the adoption of the procedure in question ?

Unless Mr Robertson can dispose of the plain and explicit declarations of the Second Book of Discipline in the way we have pointed out, the cause is finished—the controversy is settled ; for it is a recognised maxim in interpreting a law, that indirect or subsidiary means of ascertaining its meaning are to be resorted to only when the terms of the law are of ambiguous or equivocal import. The opinions entertained by the friends and associates of the legislators, or even by some leading individuals among the legislators themselves, are of no force or avail in opposition to the plain meaning of the enactment itself. It is with “the recognised laws and constitutions of the church” that we have to do ; and their meaning must be ascertained principally and primarily from considering the terms in which they are drawn up. We admit, of course, the relevancy of endeavouring to show, from the *usus loquendi* which prevailed in the age or country, that the terms actually employed in the law bear one meaning and not another ; but this is the precise point to which any collateral or subsidiary information must, in the first instance, be exclusively applied. Now Mr Robertson has not professed to produce any instance in which the terms employed in the Second Book of Discipline were, *by themselves, and without any accompanying explanation*, used in the sense which he would attach to them ; for his only Scotch authorities bearing upon this point—the one found in the records of the Assembly of 1576, and the other in those of an Assembly in 1597—contain *in gremio* what seems to be, and what Mr Robertson adduces as being, an explanation of the import of the word *consent*.

We shall, however, examine all that Mr Robertson has produced upon this subject ; and thus, we are confident, we shall make still more palpable the badness of the cause which he has undertaken to defend.

In the articles concerning the office of Visitors, adopted by the Assembly of 1576, the Visitors were authorized to settle ministers upon the presentation of patrons, with the consent of the synodal

assembly of the province,—“providing always, that the consent of the flock where he shall be appointed be had, or else a reasonable cause be showed by them wherefore not.” We have nothing to do in our present argument with this provision, as indicating the view then taken by the church, of the powers she enjoyed in the settlement of ministers under the Act of 1567. We have to do with it only in so far as it may be supposed to indicate the mind of the church as to the principles that ought to regulate the appointment of ministers. Regarding it in this point of view, we have the following observations to make upon it:—

1. A clause occurring incidentally in a document issued by the Assembly, when the rights of the people were not under discussion, and were not the formal or principal subject of the document, is not to be compared, in point of weight or importance, with a formal and solemn decision upon that point, adopted after careful deliberation, and embodied in a public standard of the church.

2. The preceding Assembly of 1575, and this very Assembly of 1576, had previously laid down the general doctrine without explanation or limitation, that the Visitors might appoint ministers, “with the consent of the ministers of that province, and the consent of the flock to whom they shall be appointed;”<sup>\*</sup> thus putting the ministers, or presbytery, and the people on the very same footing in regard to consent; from which it is fair to presume, that the qualification afterwards added in the instructions to Visitors, was not intended substantially to interfere with the general principle of the necessity of the people’s consent in its fair and obvious import.

3. The clause does not countenance the right of the Visitors to intrude ministers upon reclaiming congregations, and, therefore, gives no sanction to Mr Robertson’s principles. The pretended right of church courts to thrust ministers upon reclaiming congregations is one of so peculiar and offensive a kind, and one which it is so unlikely that any Protestant church should ever claim, that we are not disposed to ascribe it to any men upon the ground of an incidental or ambiguous statement,—an uncertain inference,—or, indeed, without direct and explicit evidence. We admit, of course, that the clause implies, that the Assembly of

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<sup>\*</sup> Book of the Universal Kirk, pp. 152 and 154.



1576 thought that if a congregation refused to consent to the admission of a man proposed to be their minister, they should be asked the reason why they refused to consent; and that it was expected that they would consent, unless they had a cause for their refusal that was reasonable. But a "reasonable cause" does not necessarily mean more than a cause truly founded upon an honest consideration of the question, whether it was right to give their consent to this man's settlement; and it does not by any means follow, that even if the Visitors were entitled to judge whether the reason assigned was in its own nature a reasonable cause for their refusal to consent, they were therefore entitled to find that the cause, though in its own nature reasonable, was not true of the individual proposed, or relevant in the circumstances, and on these grounds to settle him in face of the opposition of the people. Suppose the congregation, on being asked why they refused to consent to this man's settlement, should give as the reason, substantially what is involved in the declaration required by the Veto Act,—that they were persuaded it would not contribute to the spiritual welfare of the congregation that he should be settled there,—will it be contended that this is not in its own nature a reasonable cause why they should refuse their consent? Can Mr Robertson prove that the church courts at that time would have maintained that this was not a reasonable cause why they should refuse that consent which they were called upon to give? Can he produce any evidence that in such a case as this, with such a reasonable cause assigned for refusing to consent, the church courts of these days would have proceeded with the settlement in the face of the people's opposition? The clause cannot be proved to sanction any farther procedure in the matter than is above described, and therefore it gives no countenance to Mr Robertson's principles. If the people, when asked why they refused to consent, should openly say that it was because the man had red hair, or because he was not six feet high, then this would be a cause which was not in its own nature reasonable; and the church courts might be entitled, in such a case, to deal with them in the exercise of discipline, on account of the sinful folly they had manifested in thus trifling with a sacred subject and an important duty; and, if they persisted in refusing their consent solely upon such a ground, even to suspend them from the enjoyment of the ordinary privileges of church membership. But there



is nothing in all this inconsistent with the principle of non-intrusion as we formerly explained it. This clause, then, contains nothing that can be proved to be favourable to Mr Robertson's views, or adverse to ours.

4. The authority of the Assembly of 1576 does not carry much weight in itself, and does not afford any good ground for inferring what were the principles of the Assemblies of 1578 and 1581, by which the Second Book of Discipline was adopted and established. The Reformation, which had been begun, chiefly through the influence of Andrew Melville, was far from being at this time completed. The appointment of Visitors of itself proves this, and it was accordingly condemned by the Assembly of 1580. Episcopacy was not yet abolished, and the church was still engaged in an arduous struggle after a return to its Reformation purity. Of course there is no ground for maintaining that *every* statement which the Assembly might make in such circumstances, is to be regarded as a fair indication of the mature and deliberate judgment of decided Presbyterians.

And in regard to the bearing of this clause upon the interpretation of the Second Book of Discipline, we have to observe, that not only is no such clause contained in that document, but that when it was proposed to insert in it a clause to that effect, in connection with the general principle about non-intrusion and the necessity of the consent of the congregation, the Assembly refused to insert it. The authority for this statement is to be found in the MS. Calderwood, and the copy which we have consulted is that in the Advocates' Library. The facts are these:—After the Assembly of 1578 had fully approved of the Second Book of Discipline, they applied to the King that it might receive the sanction of the civil authority. The King accordingly called, by missives, a conference, to be held at Stirling Castle, in December 1578, "to confer and reason on the heads of the policy of the kirk." This conference went over the whole book, approved of most of it, but suggested several alterations. One of these was, that to the declaration that "no person be intruded in any office of the kirk contrary to the will of the congregation," there should be added these words, "if the people have a lawful cause against his life and doctrine." In the records of the next Assembly, in 1579, we are told that "the brethren thought good that the late conference held at Stirling, to such as the King appointed thereto, should be

read, seen, and considered, with the Book of the Policy, to see wherein the said conference agrees with the conclusions already of the kirk." Then we have the deliverance of the Assembly upon some of the alterations suggested by the conference. We have not, indeed, the record of the deliverance of the Assembly on the proposed addition to the declaration against intrusion of the words, "if the people have a lawful cause against his life and doctrine," because, as we learn from Petrie,\* some leaves were here torn out of the original records of the church,—namely, by Adamson, in 1584; but we have a very significant hint of the opinion entertained by the Assembly of the general spirit and tendency of the alterations suggested by the conference,—in the request they presented to the King, that "persons unspotted of such corruptions as are desired to be reformed, may be nominated by his Majesty to proceed in the farther conference of the said policy;" and we have the important fact, that when the Assembly of 1581 finally established the Second Book of Discipline by ecclesiastical authority, it was inserted in their records to remain there *ad perpetuam rei memoriam*, with the statements about consent and intrusion just as they had been originally adopted in 1578, and without the clause suggested by the conference. This is by far the most explicit evidence of a collateral or subsidiary kind that has been, or that can be, brought to bear upon the interpretation of the Second Book of Discipline; and it decidedly confirms our position, that the statements of that Book about the consent of the people, and intrusion contrary to the will of the congregation, are to be understood in all the fulness of their natural and obvious meaning; since it shows that the authors of that Book refused to admit into it, when urged by the civil authorities, anything that would have even appeared to qualify or limit the great fundamental principle which they had laid down.†

It is not surprising that Dr George Cook, with a candour that does him credit, should have virtually admitted, both in his evidence before the Parliamentary Committee,‡ and in his "Observations,"§ that the Second Book of Discipline sanctions the principle of non-intrusion as understood by the supporters of the Veto Act;

\* Petrie's Church History, p. 395.

† See MS. Calderwood, vol. v. p. 302; and Book of the Universal Kirk, pp. 187-188, and 191.

‡ Patronage Report, p. 317.

§ "Observations on the Veto Act," pp. 25, 27.

and there need be no hesitation in saying, that if the Second Book of Discipline had been formally and explicitly sanctioned by civil authority, or if those parts of it on which we have been commenting had been embodied, as some others were, in the statute of 1592, the Court of Session, even as at present constituted, would not have decided that the rejection of the presentee to Auchterarder was illegal.

*Sec. IV.—Views of Melville, Calvin, and Beza.*

Mr Robertson's attempt to explain away the obvious and natural meaning of the Second Book of Discipline, founded on certain proceedings in 1597, is introduced with an extraordinary flourish of trumpets. He says,—“Fortunately for the complete and decisive resolution of the great constitutional principle of our ecclesiastical polity which the question at issue involves, the records of authentic history enable us to bring the testimony both of Andrew Melville and of the General Assembly of the Church of Scotland to bear directly and conclusively upon the point before us.”\*

Now, in reply to this, we assert, and undertake to prove, that Mr Robertson has not produced a particle of evidence, or of anything like evidence, in support of his allegation that he has the testimony of Andrew Melville in his favour, in regard to the import of the Second Book of Discipline; and that, as to “the General Assembly of the Church of Scotland,” he can produce only a shuffling and fraudulent declaration of an unfaithful Assembly, which was notoriously corrupted by royal influence.

Before proceeding, however, to advert to the grounds on which he has made this extraordinary statement, we may quote an extract from the records of the Assembly 1596, which, though not very explicit, does certainly confirm our views of what was then the doctrine of the church:—“Because, by presentations, many forcibly are thrust in the ministry and upon congregations, that utter thereafter that they were not called by God, it would be provided that none seek presentations to benefices without advice of the presbytery.”

What would this Assembly have thought of men who, by pre-

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\* P. 65.

sentations and decisions of civil courts, would “forcibly thrust themselves upon congregations?” Would they not have thought, and thought rightly, that these men made it manifest by this conduct that they had not been “called of God,” and have instantly deprived them of their license and of their ministerial office? After describing the proceedings of this noble Assembly, Calderwood says,\* “Here end the sincere General Assemblies of the Kirk of Scotland;” and it is in the proceedings of the *insincere* Assemblies that followed this, in every one of which there was a struggle going on between Christ and Satan, and in which King James was progressively gaining more influence through the cowardice and treachery of false brethren, that Mr Robertson finds the evidence of the “complete and decisive resolution of the great constitutional principle of our ecclesiastical polity,” of which he boasts so loudly. The corruption was gradual, and did not always advance with uniform progression; but no sound Presbyterian receives with much deference the statements of any Assembly, after that of 1596, down to the famous Assembly of 1638.

King James having resolved to attempt to subvert the Presbyterian government and discipline, and being fully prepared to employ any amount of meanness and iniquity that might be necessary for accomplishing his purpose, began by preparing a long string of captious and insidious questions, which he resolved to propose to the church; and, with this view, he called, by his own authority, a meeting of Assembly, to be held at Perth in March 1597, intending, of course, to use all his influence to obtain from the meeting favourable answers to his questions,—that is, answers which might sanction the extension of his own influence in ecclesiastical matters. The questions had been published some time before this Assembly met; and Calderwood tells us,† that “the Synod of Fife, held at Cupar on the 8th of February, ordained every presbytery to nominate two of the most wise and resolute of their number to meet at St Andrews, the 21st of February, to confer and resolve upon solid answers to the questions now published in print, whereby the whole discipline and government of the kirk was called in doubt.” Accordingly, two deputed by each of the four presbyteries in the Synod of Fife prepared answers to the King’s questions. The third question was this:—“Is not the

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\* Calderwood’s History, p. 323.

† Ibid., p. 379.

consent of the most part of the flock, and also of the patron, necessary in electing pastors?" And the answer given to it by the deputies of the presbyteries of Fife was this:—"The election of pastors should be made by those who are pastors and doctors lawfully called, and who can try the gifts necessarily belonging to pastors by the word of God; and to such as are so chosen, the flock and patron should give their consent and protection." Upon this answer Mr Robertson remarks:—"The language employed by the synod may, indeed, consist with the existence of a right, on the part of the people, to object to the appointment on sufficient grounds of reason; but it is obviously altogether inconsistent with the idea that effect should be given to their arbitrary veto. We have here, then, the solemn decision of a whole synod against the interpretation now sought to be put on the expression of the Book of Policy under discussion."\*

Now, it is surely very manifest, that there is here no decision as to the import of the Second Book of Discipline, and nothing inconsistent with the principle of the Veto Act. The answer, indeed, is evasive. It brings prominently forward the power of church courts, to which the question did not allude; and it gives no decision on the only points which the question brought before them. It says, that to persons declared qualified and chosen by the church courts, the flock and patron "should give their consent;" but it does not give directly, or by implication, any deliverance upon the question—What is to be done if they refuse to consent? And this is the precise point in dispute between us and our opponents.

Mr Robertson, then, founds upon a statement which is manifestly evasive, as not giving a reply to the question which it professes to answer, and which plainly does not contain, either directly or by implication, even an intimation of an opinion on the only point in controversy between us. He boasts of this as a "solemn decision of a whole synod," whereas it was only the opinion of eight men deputed by the four presbyteries of a synod. Because Andrew Melville was a member of the Synod of Fife, he chooses to *assume* that this answer exhibited the judgment of that illustrious man, although he does not know who any of the eight deputies were, nor whether they were unanimous or not. Because

Andrew Melville was a member of the Presbytery of St Andrews, it does not certainly follow that he was one of the deputies, or that they concurred with him in sentiment. It is well known that, a very few years before this, Andrew Melville was defeated in the Presbytery of St Andrews in an important matter which he had greatly at heart, by a majority of three to one; and yet this, and *this alone*, is the ground on which Mr Robertson presumes to lay claim to what he calls "the direct testimony of Andrew Melville himself;"—and this, forsooth, is the ground on which Lords Aberdeen and Dalhousie told the House of Lords that they held the "non-intrusion of Andrew Melville!"

Not only is there no ground for Mr Robertson's assertion, that the answers of these deputies contain "the direct testimony of Andrew Melville himself;" but there is some reason to believe that he gave a different answer to the questions. Calderwood, after giving the answers of the deputies to the King's questions, says,\* "Mr Patrick Galloway made answers to the same questions; but these I omit, and will adjoin the answers only of another brother more judicious." It is far more probable that this "more judicious brother" was Andrew or James Melville, than that they had anything to do with the answers of the eight deputies; and the internal evidence confirms this supposition. The answer which this "more judicious brother" gave to the question was in these words:—"This word, patron and presentation of patrons, *est humanum institutum*, and hath no warrant *ex jure divino*; and therefore importeth no necessity of consent. *As to the consent of the people, no man will deny but it is necessary to be had.*" This was a plain and explicit answer to both parts of the King's question, worthy of the manly and intrepid character of Andrew Melville.

To assert, on such grounds as those which have now been considered, that we have "the direct testimony of Andrew Melville himself,"—his testimony to this position—that the consent of the congregation in the Second Book of Discipline means only a right to state objections of which the church courts are to judge—required no ordinary degree of boldness. So much for "the direct testimony of Andrew Melville himself." Let us now consider the evidence for the alleged testimony, to the same effect, of "the General Assembly of the Church of Scotland."

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\* P. 390.

“The brethren of the ministry,” says Calderwood,\* “convened at Perth the last of February, at the King’s appointment. There were never seen so many ministers come out of the north at any time before.” The King was present, and used all his skill and influence to cajole and pervert them. A majority decided, in opposition to James Melville and the more honest of the brethren (his uncle was not present), that this meeting was an Assembly, though, as a salvo to their consciences, they called it an extraordinary one. The King did not press them to answer the whole of the questions previously published, but propounded to them thirteen articles, to which he asked their assent. The one that concerns our present subject was in these words:—“That in all principal towns, ministers be not chosen without the consent of their own flocks and of his Majesty, and that order to begin presently in the planting of Edinburgh.”

This clearly brought out the leading object of the King in broaching this matter of consent,—namely, to get himself put on the same footing as the flock;—in other words, to get for himself a veto or negative on the appointment of ministers in large towns, that he might be able to exclude able and faithful ministers from the most important situations. The necessity of the consent of the flock was already settled by the Second Book of Discipline. The King does not seem to have intended to disturb this at present, or to have wished it to be discussed, but to have brought it in merely as a shield or cover for his own consent, which he was desirous to get sanctioned. The Assembly knew well enough that it was the necessity of his own consent alone that he was concerned about; and accordingly, “the brethren appointed to advise upon the King’s articles, proposed this answer to the one quoted above:—“This article is answered by an Act of the General Assembly, which ordaineth that the principal towns should be planted with ministers by advice of the General Assembly, at which his Highness’s Commissioners are and should be present.” They here take no notice whatever of the consent of the flock, just because they knew well enough that this was not the point about which the King was concerned; and not being yet quite prepared for going so far as to assert the necessity of the King’s consent, they gave an answer manifestly evasive to that part of the article. The King,

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\* P. 393.



however, was determined to get a veto or negative upon the appointment of ministers in large towns, and he ultimately managed to get the Assembly to adopt the following article :—"In all principal towns, ministers should not be chosen without the consent of their own flock, and his Majesty." This was exactly what the King wanted, and there cannot be a reasonable doubt that it was intended to give, and did give, him an absolute veto or negative upon the appointment of ministers in large towns, a right which had been already secured to every congregation by the Second Book of Discipline.

Mr Robertson, finding nothing in the records of this Assembly to serve the purpose of his argument, and having described its proceedings merely to pave the way for an argument which he meant to found upon a declaration of a subsequent Assembly, freely condemns it as corrupt and unfaithful. Nay, he seems to intend to insinuate that its unfaithfulness was exhibited in its asserting, without explanation or limitation, the necessity of the consent of the flock, although that was already fully provided for in the laws of the church, and although it is manifest that its unfaithfulness consisted in asserting the necessity of the King's consent, and thereby giving a veto or negative to him as well as to the congregation. But, as he intended to found much upon a declaration of the next Assembly that met at Dundee in May 1597, he says nothing against *its* faithfulness, and even seems to insinuate that it was a more faithful Assembly than that which met at Perth two months before. Now he must have known that the King's influence was as strenuously and as successfully exerted in this Assembly as in the preceding one,—that its general character was as corrupt and unfaithful,—and that its proceedings were as generally condemned by the honest portion of the clergy. No man who has looked into Calderwood, who expressly calls it "an Assembly of the new fashion,"—"a corrupt Assembly,"\* can entertain a doubt of this; and we wonder much whether Mr Robertson expected that his attempt to hold it up as a more faithful and honest Assembly than that at Perth would not be exposed.

Calderwood, in describing the proceedings of the Perth Assembly, tells us that the register of the Acts of that and subsequent

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\* Pp. 402 and 410.

Assemblies was not to be trusted to ; “ for, after that division and schism entered into the kirk, the acts and proceedings of Assemblies were framed as best might serve for advantage to the corrupt party.”\* And in regard to this very Assembly at Dundee, he tells us,† that “ at the choosing of the clerk, there was an ordinance, that at the penning of every Act there should be some brethren present with the clerk, of which number were Mr James Melville and Mr James Nicolson ; but when Mr James Melville came to attend, they were commanded to come to the King with the minutes. It was also ordained that the Acts should all be read in public before the dissolving of the Assembly ; which was not performed,”—plainly implying, that the honest men among the ministers expected that fraud would be used in the concoction of the minutes, and suspected that this had been done. Such was the Assembly, on a declaration of which Mr Robertson founds his leading attempt to explain away the meaning of the Second Book of Discipline, and which he evidently wishes to hold up as a free and faithful “ General Assembly of the Church of Scotland.”

Calderwood tells us that “ one of the chief things the King and his faction aimed at in the Assembly of Dundee, was a ratification of the articles concluded at Perth, and farther, if it might be obtained.” And he also says,‡ “ The meeting at Perth is acknowledged for an Assembly. The articles given in to that meeting by the King *were explained under colour* of satisfaction of such as were not present at Perth, or acquainted with them.” Now, it is one of these “ explanations,” put forth by this corrupt Assembly, of the articles agreed to by the corrupt Assembly at Perth, that Mr Robertson produces with great triumph, as “ most important, and altogether decisive of the meaning of the expression, the consent of the people, as that expression occurs in the Second Book of Discipline !”

The corrupt Assembly at Perth agreed to this article : “ In all principal towns, ministers should not be chosen without the consent of their own flocks and his Majesty ;” and the corrupt Assembly at Dundee put forth this explanation of that article : “ Anent the article concerning the provision of pastors to burghs, it is declared that the reason thereof was and is, that his Majesty was content, and promised, that when the General Assembly finds it necessary

\* P. 394.

† P. 403.

‡ P. 407.

to place any person or persons in any of the said towns, his Majesty and the flock shall either give their consent thereto, or else a sufficient reason of the refusal, to be proponed either to the whole Assembly, or to a competent number of the commissioners thereof, as his Majesty shall think it expedient." After quoting this explanation, and setting it forth in all the dignity of capital letters, Mr Robertson proceeds:—"It is submitted, with the utmost confidence, that all comment upon this remarkable document is wholly unnecessary. Its meaning it is perfectly impossible to misunderstand; and with that meaning the interpretation now sought to be put upon the language of the Second Book of Discipline is obviously altogether incompatible. What, we would ask, is it possible for us even to conceive more definite and conclusive in fixing the meaning put by the church on the term consent, than the circumstance which has now been mentioned?"

We agree with him in thinking that any comment upon this document is unnecessary, but for this reason, that it is quite preposterous to regard any declaration of so corrupt an Assembly as a fair indication of the honest mind of the Presbyterian Church of Scotland. The articles agreed to at Perth, and the explanations of them put forth at Dundee, were just an exhibition of shuffling by a body of men who retained some regard for decency but none for principle, and are entitled to no more respect from honest Presbyterians, than the proceedings of those Assemblies which were held during the darkest period of Moderate domination. We shall comment upon the document, however, and we request Mr Robertson's attention to the following considerations:—

1. This "explanation" bears a deliberate fraud or falsehood upon the face of it. It can scarcely be doubted, that the article ultimately adopted by the Assembly at Perth, was intended to give the King a veto or negative upon the election of ministers in large towns, and was agreed to, though not without some hesitation and misgiving, just because the King wanted this, and had influence enough to secure it; and yet the Assembly at Dundee tells us that this article about the necessity of the King's consent was adopted, merely because the King did not demand so much as this, but would be contented with something far less,—namely, with a right of stating objections of which the Assembly was to judge. This Dundee explanation is a great change upon the Perth article,

—a substitution of one thing for another. The Perth Assembly had evidently great difficulty about asserting the necessity of the King's consent, and were not easily brought to agree to it; and if the King had been willing at that time to be contented with a consent which was no consent, but a mere right of stating objections of which the Assembly were to judge, they would have been glad to have put their deliverance in this form. The precise reason why the King was willing to be contented, in May, at Dundee, with a right of stating objections of which the Assembly was to judge, when, in March before, at Perth, he had asked and obtained a declaration that his consent was necessary, it is, of course, impossible to explain, as this was plainly just one act in the long scene of shuffling, fraud, and accommodation to circumstances, by which he ultimately succeeded in overthrowing the Presbyterian Church; but no one who knows anything of the character, objects, and motives of the parties concerned, can believe, that either on the part of the King or the Assembly, the "explanation," or rather the change, was to be ascribed to an honest regard to truth and principle. The Assembly was probably ashamed of having asserted, at Perth, the necessity of the King's consent, and wished to mitigate the odium which, by such a concession, they must have incurred from all sound and honest Presbyterians, by explaining it away; and the King was probably not indisposed to gratify them in this point, as, from the accommodating and subservient spirit which the Assembly was now displaying, he saw that he would have no great difficulty in convincing them of the validity of his reasons whenever he objected to a settlement in any of the principal towns.

2. Neither the Assembly of Perth, in asserting the necessity of the consent of the flock and the King, nor the Assembly of Dundee in explaining this, or rather in explaining it away, so as not to mean a consent, but only a right of stating objections of which the Assembly was to judge, was explaining, or pretending to explain, the import of the Second Book of Discipline; they did not profess to be laying down any general principle in regard to the appointment of ministers,—*they were merely declaring what they themselves were willing to agree to with respect to the settlement of ministers in large towns.* We do not believe that even the corrupt Assembly of Dundee would have ventured to assert, if this point had been brought before them, that the consent of the congrega-

tion in the Second Book of Discipline meant merely the right of stating objections of which the church courts were to judge, any more than they would have ventured to assert, that that Book afforded any countenance to the influence in this matter which they were willing to assign to the King.

The Assembly of Perth had agreed, "that no meeting or convention be among pastors, without his Majesty's knowledge or consent, excepting always," etc. This was manifestly intended to give the King a veto or negative on all conventions, except those specified. The Assembly at Dundee gave an explanation of this, merely describing to what sort of conventions the King's consent was to be understood to have been already extended; but they said nothing which implied that the words, "without his consent," did not, in this matter, give him an absolute negative; plainly showing, that while they choose to call their commentary on the Perth article, reducing the King's consent in the appointment of ministers of large towns to a mere right of stating objections, "an explanation," they knew well enough, that "without consent," when unaccompanied with any explanation, naturally and properly means a great deal more.

3. It is very manifest from this "explanation," that, as we stated before, the King was concerned only about a decision as to the necessity of his own consent, and not as to that of the flock; and that, practically and substantially, it was only on the point of the King's consent that either of the Assemblies really intended to give any deliverance. The King had cunningly and insidiously introduced into the article the consent of the flock, as a cover or shield for his own. It does not seem to have been regarded by either of the Assemblies as involving anything like an interpretation of the Second Book of Discipline, or a decision of any general principle in regard to the standing of the people; and, accordingly, the reason given for the pretended explanation, was one which referred exclusively to the King, and could not even appear to bear upon any part of the Perth article, but that which affirmed the necessity of the King's consent: it was, "because *the King was contented* that he and the flock" should have only a right of stating objections of which the Assembly was to judge. The Perth Assembly asserted the necessity of the consent of the flock and his Majesty; the Dundee Assembly declared, in the way of explanation, that this had been done because the King was willing that

he and the flock should not have a power of giving or withholding consent, but something a great deal less. The King might declare or promise what he chose in regard to his own consent or his influence in the matter, but, of course, he had no right to promise or regulate anything in regard to the consent or influence of the flock, either generally or with respect to large towns. Even this corrupt Assembly would not have dared to say, if the point had been brought distinctly or formally before them, that the statement or promise of the King, *the only ground assigned for this fraudulent explanation*, could, or should, bear upon the settlement of the question, as to the influence the people ought to possess in the appointment of ministers, or as to what was meant by the necessity of their consent.

That it was the subject of the consent of the King only, and not that of the flock, which either the King or the Assembly was concerned about in this matter,—that it was, in truth, only on this point that there was any real intention of giving a deliverance,—is confirmed by the provision made for deciding upon the reasons of objection, when opposition was made to the settlement of any minister in a principal town. They were “to be proponed either to the whole Assembly, or to a competent number of the Commissioners thereof, *as his Majesty shall think expedient.*” Was it intended that this provision was to apply to the reasons of the flock as well as of the King? Were the flocks, too, to be heard before the Assembly? Or was the King to decide, whether the reasons of the flock, as well as his own, were to be heard by the Assembly or by Commissioners? Such a notion, we think, was too preposterous even for the corrupt Assembly at Dundee; and the conclusion, therefore, seems sufficiently established, that while the explanation speaks equally of “the flock and his Majesty,” yet the mention of the flock was retained merely because the King had originally introduced it for the insidious purpose of sheltering himself, while there was no real intention, either on the part of the King or of the Assembly, of giving anything like a deliberate judgment upon the standing and influence of the people in the appointment of ministers even in large towns. The notion that the standing of the flock was really not cared about or seriously considered in this business, is confirmed by the account of the matter given by Spottiswoode, who had the best means of knowing the real intentions both of the King and of this corrupt



Assembly. He describes it in these words :\*—"His Majesty did likewise express his meaning touching the provision of burghs with ministers in this sort, that when the Assembly should find it necessary to place a minister in any town, he should either yield his consent, or give a sufficient reason of his refuse,"—where there is no mention whatever of the flock, and where the whole matter is resolved into what it really was in substance,—namely, a declaration *by the King* of the limited extent to which *he meant to avail himself* of the power given him by the Assembly at Perth, in regard to the appointment of ministers in large towns.

We know that down till 1624 the people of Edinburgh had the choice of their own ministers. This must have been the practice for many years previously, a fact which proves that no material diminution of the people's rights had been effected during King James' long course of fraud and treachery directed to the overthrow of the Presbyterian Church. No one, of course, can imagine that the people's influence in the appointment of ministers was extended after the *sincere* Assemblies of the kirk had ceased; and the fact that popular elections of ministers continued in Edinburgh till 1624, while it affords a strong presumption that under the Second Book of Discipline the consent of the congregation was understood as substantially synonymous with their election, makes it also in the highest degree improbable that, in 1597, there was any serious intention, or any decided effort, to cut down their consent to a mere right of stating objections.

Such, then, is the ground on which Mr Robertson presumes to assert that he has brought "the testimony of the General Assembly of the Church of Scotland" to bear "directly and conclusively on the complete and decisive resolution of the great constitutional principle of our ecclesiastical polity." These are the facts of which he boasts as "altogether decisive of the meaning of the expression, *the consent of the people*, as that expression occurs in the Second Book of Discipline." And never probably in the history of controversy has there been a more striking instance of a "luckless boast." *Quid tulit hic dignum tanto promissor hiatu?* He produces only a statement from the records of a corrupt Assembly, whose proceedings were decidedly condemned by the honest Presbyterians—whose minutes were suspected of being vitiated,

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\* Spottiswoode's Hist., p. 444.



and who, under royal influence, were manifestly acting a shuffling and deceitful part,—a statement not professing or pretending to give a deliverance upon a general principle, a decision upon the general question of the appointment of ministers, or an explanation of the doctrine and law of the church,—a statement, the adoption of which forms a step in a series of low shuffling and base manœuvring,—a statement, in fine, which does not seem to have been intended to decide anything whatever upon the only point on which Mr Robertson founds, namely, the bringing in of the flock along with the King, and which exerted no influence upon the ordinary practice of the church so far as the flock are concerned. Such a statement, made in such circumstances, for such purposes, and by such an Assembly, Mr Robertson maintains to be “the testimony of the General Assembly of the Church of Scotland,” “bearing directly and conclusively” upon “the complete and decisive resolution of the great constitutional principle of our ecclesiastical polity.” Nay, in the exuberance of his exultation, he rises into a “fine frenzy,” and asks, “What is it possible for us even to conceive more definite and conclusive in fixing the meaning put by the church on the term *consent*?” We certainly have no great powers of imagination, and yet we think we can conceive something “more definite and conclusive” than this, and we would not despair of Mr Robertson being able, with a little assistance, to do so too. Can Mr Robertson not conceive that the Assembly at Dundee might have resolved to entertain and discuss the general question of the place and standing of the Christian people in the election of their ministers; that, after discussing this point, they had come to the conclusion that the people should not have a veto, or negative, upon the appointment, but only a right of stating objections of which the church courts were to judge, and had asserted that this was the sense in which they understood the statement of the Second Book of Discipline about the consent of the congregation? We trust that Mr Robertson is able to conceive the possibility of such a deliverance having been given; and if so, he must surely see that it would have been far “more definite and conclusive in fixing the meaning put by the church on the term *consent*,” than what he has actually produced.

Let us conceive, then, that this far “more definite and conclusive” deliverance had been given upon the point by the Assem-

bly at Dundee; and we ask, Will Mr Robertson, or will any man, now venture to assert that the deliverance of such an Assembly, in such circumstances, should have any weight whatever with honest Presbyterians in determining what was the doctrine of the church, and the import of the Second Book of Discipline? And if this far more "definite and conclusive" deliverance, which can be so easily "conceived," coming from such an Assembly, would not have had the weight of a feather with any honest and intelligent Presbyterian, and would plainly not have contributed, in the slightest degree, to the "complete and decisive resolution of the great constitutional principle of our ecclesiastical polity," how can Mr Robertson expect that the fraudulent and equivocal declaration, of which he boasts so much, is to be received by any man as "altogether decisive of the meaning of the consent of the people, as that expression occurs in the Second Book of Discipline," and as being as "definite and conclusive in fixing the meaning put by the church on the term consent as it is possible even to conceive?" Mr Robertson is much in the habit of boasting of his *demonstrations*, but there is perhaps no occasion on which he boasts so loudly as this.

We have not yet finished Mr Robertson's perversions of the plain meaning of the Second Book of Discipline, and we have still to consider his argument founded upon certain allegations in regard to the sentiments of Calvin and Beza. Our opponents seem to have been greatly delighted with this attempt to get some countenance from Calvin and Beza. They had been so much annoyed by the exposure which had been made of the Popish character and tendency of their principles, that they were delighted to hear that they could put forth something like plausible claims to the countenance of two such distinguished Reformers. Lord Aberdeen boasted, in the House of Lords, upon the ground of what he had read in Mr Robertson, that he held the non-intrusion of Knox and Melville, of Calvin and Beza; and Lord Dalhousie, in his extraordinary speech, thrice over made a statement to the same effect, and thrice elicited by it the applause of that august assembly. Neither Lord Aberdeen nor Lord Dalhousie knew anything of these matters but what they found in Mr Robertson; and Mr Robertson knew nothing of the views of Calvin and Beza on this point but what he found in one or two brief extracts from their writings, quoted in Lord Medwyn's speech.

Mr Robertson's argument upon this point is to this effect. There is good ground to believe that a great similarity of opinion prevailed upon this subject between Calvin and Beza, and the authors of the Second Book of Discipline. Calvin and Beza employed language similar to that used in the Second Book of Discipline, but did not intend it to mean that the people should have a veto or negative, since these Reformers asserted the right of church courts to thrust ministers upon reclaiming congregations, and gave the people only a right of stating objections. Therefore, the statements upon this subject in the Second Book of Discipline are to be understood in a sense opposed to the principles of the Veto Act. Now this, as a piece of reasoning, is ridiculous. Every one knows that there was a general accordance between the views of Beza and Andrew Melville, but it does not by any means follow that there was a perfect harmony between them in all the details of sentiment and expression. Neither of them was likely *jurare in verba magistri*, or to adopt implicitly the sentiments of any human being; and to found an argument, as Mr Robertson does, upon the assumption that they wholly concurred in every detail of their opinions on this point, and in the precise meaning they attached to all the words employed in explaining them—(and unless he assert this, his argument does not rise even to probability),—is evidently to build upon a foundation of sand. Even if Calvin and Beza had used the very words which we find in the Second Book of Discipline about consent and intrusion, and had accompanied their use of them with such an explanation as made it manifest that they understood them in Mr Robertson's sense, and not in ours, we would not admit that this was a proof that the same words occurring in the Second Book of Discipline, *without any explanation to limit their meaning*, must also be understood in his sense; for we would regard it as a much clearer and fairer inference, that the omission of the explanatory or limiting clauses, showed that the words were to be taken in their natural and obvious meaning, than that the assumed identity of the views of the two parties proved that the explanation expressed by Calvin and Beza was also to be understood, though not expressed, in the Second Book of Discipline. And if, even in this case, it would be impossible to found on the statements of Calvin and Beza a conclusive argument in regard to the import of the Second Book of Discipline,

how preposterous is it to attempt to do so in the actual circumstances of the case, when they have not used the exact language of the Second Book of Discipline, and have left no evidence whatever that they favoured Mr Robertson's views, and were opposed to ours !

But the opinion of Calvin and Beza upon this point, though it may not afford any relevant materials for ascertaining the exact import of the Second Book of Discipline, is interesting and important in its bearing upon the general question ; and, therefore, we must take the trouble of exposing the misrepresentations, founded on ignorance, which were promulgated upon this subject by Mr Robertson, in his " Observations,"—then borrowed from him by Dr Hill, and put forth in the Synod of Glasgow and Ayr,—and then appropriated by Lords Aberdeen and Dalhousie, and sported with immense applause in the House of Lords.

There are two leading positions upon this subject, which we shall endeavour to establish :—

1. Calvin and Beza maintained the scriptural or divine right of the people to the choice of their own ministers, and, therefore, could not consistently countenance the Popish principle of our opponents about the right of church courts to intrude ministers upon reclaiming congregations. We are aware that the position, that Calvin and Beza maintained the divine right of the people to the choice of their ministers, has been denied ; but we are convinced that the denial has been founded only upon the unfair and perverted application of one or two incidental or equivocal statements, dropped when the subject was not under discussion or present to their thoughts ; whereas the assertion we have made, rests upon clear and explicit declarations, made when the subject was formally and fully discussed. Calvin, in his " Institutions," states the question thus :— "*Quæritur nunc a totane ecclesia eligi debeat minister, an a collegis tantum et senioribus, qui censuræ præsent, an vero unius auctoritate constitui possit.*"\*

He first refutes the last of these three schemes of nomination, and mixes up with his refutation, assertions of the right of the whole church to choose. Thus, in adverting to Acts xiv. 23, he says,—"*Creabant ergo ipsi (Paul and Barnabas) duo ; sed tota multitudo, ut mos Græcorum in electionibus erat, manibus sub-*

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\* Lib. iv. c. iii. sec. 15.

latis declarabat quem habere vellet." He speaks of the approbation and consent of the people as substantially synonymous with their election, and concludes in these words:—"Habemus ergo esse hanc ex verbo Dei legitimam ministri vocationem, ubi ex populi consensu, et approbatione creantur qui visi fuerint idonei. Præesse autem electioni debere alios pastores, ne quid per levitatem, vel per mala studia, vel per tumultum a multitudine peccetur."

As the pastors here have no place in the election but presiding to preserve peace and order, it is evident from this passage, as well as from the general scope of the section, that the right of election is ascribed to the congregation, and that the consent of the people is used as meaning substantially the same thing as their election; while the statement also illustrates the obvious truth, that in general, where no foreign and secular authority, such as that of patrons, is allowed to interfere, and where the whole matter lies, as it ought, between the presbytery and the people, the congregation naturally, and almost as a matter of course, except where the presbytery are infected with the Popish principles of our opponents, enjoy, by whatever name it may be called, the substantial choice of their ministers. In the fifth chapter of the same book of the Institutions,\* Calvin says,—*"Est enim impia ecclesiæ spoliatio, quoties alicui populo ingeritur episcopus, quem non petierit, vel saltem libera voce approbarit,"*—where he manifestly requires, as the only way of preventing impious robbery, election, or at least free consent. Again, in his Commentary, he says, upon Acts vi. 3,—*"Electio permittitur Ecclesiæ. Est enim tyrannicum, si unus quispiam ministros suo arbitrio constituat. Ergo hæc legitima est ratio, communibus suffragiis eligi, qui publicum aliquod in Ecclesia munus obituri sunt. Præscribunt autem Apostoli, quales deligi oporteat, viros scilicet probatæ fidei, prudentia et aliis Spiritus donis præditos. Atque hoc inter tyrannidem et confusam licentiam medium est, ut nihil quidem agatur nisi ex consensu et approbatione plebis: Pastores tamen moderentur, ut eorum auctoritas instar freni sit ad cohibendos plebis impetus, ne ultra modum exsultent. Interea hoc notare operæ pretium est, legem imponi fidelibus, ne quem nisi idoneum præficient."* And in like manner, on Acts xiv. 23,

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\* Sec. 3.

in commenting upon the word *χειροτονεῖν*, he says,—“ Porro hac loquendi forma optime exprimitur legitima in creandis pastoribus ratio. Presbyteros eligere dicuntur Paulus et Barnabas. An soli hoc privato officio faciunt? quin potius rem permittunt omnium suffragiis. Ergo in pastoribus creandis libera fuit populi electio, sed ne quid tumultuose fieret, præsident Paulus et Barnabas, quasi moderatores. Si intelligi debet Laodicensis Concilii decretum, quod vetat plebi electionem permitti.”

On the ground of these passages taken together, there cannot be a doubt that it was the mature and deliberate judgment of Calvin, who perhaps may be fairly regarded as the greatest man that has adorned the church of Christ since the age of the apostles, that the Christian people have, by God’s appointment, a right to choose their own ministers, and that this right of election is substantially declared by setting forth the necessity of their consent and approbation.

All this is true also of Beza. In his *Confessio Christianæ Fidei*, he thus makes a formal and deliberate statement of his views upon this point. He defines the church\* as “ Coetus et multitudo hominum a Deo selectorum, qui verum Deum agnoverunt et coluerunt ex ipsius verbo, nempe in uno Jesu Christo, per fidem apprehenso.” He afterwards says,† “ Ut ecclesia possit inoffenso cursu pergere, officium presbyterorum est vel præcipuum homines deligere, ad eas functiones idoneos quoties novis erit opus. Utor autem eligendi verbo de industria eo sensu ut omne *αυτοκρατορικον* imperium hominibus adimam, quoniam nusquam invenio in Christiana ulla ecclesia jam ædificata ullum esse vel ad ministerium verbi, vel ad *διακονiam*, vel ad presbyterii gradum alia ratione quam publica et libera electione promotum, sicut mox dicemus, nisi quum Deo libuit extra ordinem agere.” The next section,‡ the title of which is, “ *De electoribus Ecclesiasticis*,” begins thus,—“ Iterum repeto quod antea dixi, nunquam receptum fuisse in Christianis ecclesiis jam constitutis, ut quis admitteretur ad functionem ecclesiasticam nisi libere et legitime electus ab ecclesia cujus intererat.” And he refers, in the margin, in proof of this doctrine, to Acts xiv. 23, which in his Latin version of the New Testament he translates, “ *quumque ipsis per suffragia creassent presbyteros.*”

\* C. v. sec. 1.

† Sec. 34.

‡ Sec. 35.

After inferring from this doctrine that presentations, patronages, etc., proceeded from Satan, he goes on to enforce the necessity of presbyterial superintendence and control as a safeguard against the evil of the introduction of improper men, from the ignorance and rashness of the people; but he makes not a single statement inconsistent with the great principle which he had laid down about the rights of the people. He concludes in these words, with which, so far as they concern the presbytery and the people, we fully concur,—“*Tum ergo ne in ædificatis quidem ecclesiis erunt omnia suffragiis multitudinis committenda, neque tamen absque totius ecclesiæ consensu deligendi fuerint pastores; sed a presbyteris et magistratu Christiano, si talem Deus concesserit, ita erunt omnia moderanda, ut neque ipsi tyrannidem invehant in ecclesiam (quod sane fieret si suo arbitratu et neglecto consensu multitudinis quemquam ad publicam functionem vocarent), neque etiam Democraticus status ecclesiæ in οχλοκρατιαν degeneret.* Huc nimirum spectavit Laodicensis Synodus quum censeret populo non esse tribuendas electiones, quamvis neminem absque populi comprobatione admittendum jam olim ecclesia recte censuerit.” Beza, then, concurred with Calvin in maintaining the divine right of the Christian people to choose their own ministers, while he was also accustomed, as Calvin was, to express this, or the essence of it, by asserting the necessity of their approbation or consent.

In so far as an argument can be legitimately founded on the assumed identity of the opinions of Andrew Melville with those of Calvin and Beza, we would be entitled to found on these passages a proof that the consent of the congregation in the Second Book of Discipline meant substantially their right to elect.

2. We assert that no evidence has ever been produced that Calvin or Beza restricted the right of the people to that of stating objections of which others are to judge; or, what is the same thing, supported the right of church courts to intrude ministers upon reclaiming congregations. We have already said enough to show that they could not possibly countenance such notions without the grossest and most palpable inconsistency; and this, of course, should not be imputed to them without absolute necessity,—that is, unless their words cannot admit of any other construction.

The sole ground on which Mr Robertson has presumed to claim for his Popish principles the countenance of Calvin,—and on which



Lords Aberdeen and Dalhousie told the House of Lords that they held the non-intrusion of Calvin,—was the following passage in a letter of his, giving an account of the ordinary practice of the church at Geneva: “Primum eliguntur Ministri a nostro Collegio; ac datur illis Scripturæ locus, in cujus interpretatione specimen suæ dexteritatis edant. Deinde examen habetur de præcipuis doctrinæ capitibus: tandem coram nobis perinde ut apud populum concionantur. Adsunt etiam duo ex Senatu. Si probatur eorum eruditio, eos Senatui cum testimonio offerimus: in cujus arbitrio est non admittere, si minus idoneos esse judicet. Quod si recipiuntur (ut semper hactenus contigit) tum nomina promulgamus coram populo, ut si quod vitium latuerit, liberum sit singulis ante octo dies indicare. Qui tacitis omnium suffragiis probantur, eos commendamus Deo et Ecclesiæ.”\*

Mr Robertson, after quoting this passage, adds:† “According to this constitution, it is evident that the only right allowed to the people, in the admission of pastors, was that of objecting to life and doctrine.” Now, upon this statement of Calvin, and Mr Robertson’s commentary upon it, we would observe:—

1. That the language of this quotation from Calvin bears no resemblance to that of the controverted statements in the Second Book of Discipline; and, therefore, cannot directly be of any avail in settling the *usus loquendi* applicable to the interpretation of these statements.

2. That it is not a statement of Calvin’s judgment or opinion on the subject, but merely of the practice that obtained at Geneva; and it is not at once to be assumed, as a matter of course, that Calvin cordially approved of every detail in the practice. If Mr Robertson’s commentary upon the passage be correct, it is not possible that Calvin could have *consistently* approved of the practice which he describes.

3. The statement of Calvin is a very brief and meagre outline of an extensive subject. The process there described evidently includes licensing and examination, just as the judgment of the eldership in the Second Book of Discipline does. In fact, it is doubtful whether it includes anything more than licensing, as the passage contains no express mention, either of induction to a pastoral charge, or ordination. We are inclined to think that it

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\* Calvin, Epist. et Resp., p. 142.

† P. 64.

includes a statement of the practice in regard to the whole subject of the vocation of a minister,—comprehending induction and ordination,—because in a passage of a letter of Beza, also quoted by Mr Robertson, and quite parallel to this, there is express mention of admission into the ministry as the conclusion of the process; but, if this be the case, it only shows how meagre an outline of the subject the passage contains, when induction to the pastoral charge and ordination are comprehended under the vague words, “commendamus deo et ecclesiæ,” and the consequent absurdity of founding any argument *upon what the passage merely omits to state*, especially in opposition to the known views of Calvin.

4. There is nothing in the passage which gives, or appears to give, directly or by implication, any sanction to the pretended right of church courts to thrust ministers upon reclaiming congregations, and nothing, therefore, which gives any countenance to the leading position which Mr Robertson is bound to establish.

Lord Corehouse says, with truth: “After it was settled that the consent of the people is to be asked at the admission and ordination of a bishop or other minister, the question arose, as it must necessarily arise in such circumstances, What if the people refuse to consent? does that defeat the nomination, or does it not?”\* He is wrong, indeed, as we have proved, in asserting that this question was answered, and answered in the negative, by Pope Gelasius in 493; but it is quite manifest that no authority can be fairly adduced in support of Mr Robertson’s views, or in opposition to ours, *which does not contain a distinct and explicit answer to this question*; and it is equally manifest, that the statement of Calvin contains, neither directly nor by implication, any deliverance upon it. Indeed, Calvin expressly says, that nothing to render necessary the decision of this question had yet taken place in Geneva, all parties having hitherto agreed; and no provision, so far as we know, had been made for it. There is nothing in the passage that affords the slightest ground for believing that, if a case had occurred requiring a deliverance on this point, Calvin would have decided it in favour of Mr Robertson’s views; and it is *perfectly certain*, from what we know of his principles in regard to the rights of the Christian people, and the scriptural mode of

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\* Auchterarder Report, p. 220.

appointing ministers, that he *must, in consistency*, have decided it in favour of our views.

All these remarks apply equally to Mr Robertson's first quotation from Beza, which is merely a statement, almost identical with Calvin's, of the ordinary practice of the church at Geneva. His second quotation from Beza will require a fuller examination. The extract is taken from a letter,\* the main object of which is to set forth the power of presbyteries in ecclesiastical matters.

The general statement of the power of presbyteries is thus given :—"Hujus collegii functio in his potissimum videtur versari, nempe in idoneis personis, quoties iis opus erit, deligendis (this is explained by the quotation formerly given from Beza's Confession of Faith), vel indignis abdicandis : in remedio offendiculis occurrentibus, sive de doctrina sive de moribus agatur, adhibendo : ac denique in Ecclesiasticis illis vel ponendis vel abrogandis statutis quæ necessario interdum variari oportere diximus : quæ omnia ex præscripto Dei verbo dijudicanda exercendaque sunt." He then states, that as this power of the presbytery is very apt to degenerate into tyranny, there must be some restraint upon the exercise of their authority in the execution of these functions. After referring to what may be done in this way by the Christian magistrate and superior church courts, he proceeds to state, that the people, too, should have some influence in these matters, and to describe what that influence is. It is from this part of the letter that Mr Robertson's quotation is taken. We shall give a somewhat fuller extract, putting in italics the only part which Mr Robertson quotes, because he found nothing more in Lord Medwyn, and on which alone his argument is founded :—"Sed et illud constat neque statuta illa quæ interdum variari diximus, neque eos qui rite fuerint electi, obtrudi mero quodam imperio cœtui Domini opertere, quoniam regnum cœlorum fidei Spiritu ac proinde voluntaria obedientia regitur. *Itaque illa quidem statui, istos vero in muneris sui functionem mitti non decet priusquam cœtus Ecclesiæ fuerit ea de re solenni et legitima nuntiatione admonitus, facta cuique potestate admonendi Presbyterii Christianique Magistratus eorum quæ tanti esse momenti existimaverit, ut de iis cognosci oporteat priusquam rata sint Presbyterii et Magistratus (sicubi Christianus fuerit) præjudicia, nempe ut nemo invito gregi*

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\* Epist. 83.

*obtrudatur*. De his autem quæ referentur cognoscere illos æquum est penes quos Dominus esse voluit domus suæ procurationem." If Mr Robertson had had Beza before him, of course he would not have stopped at "*obtrudatur*," but gone on to the end of the quotation, as the last sentence *seems* to give some countenance to his notions. Now, upon this extract from Beza, and the argument which Mr Robertson founds upon it, we submit the following observations :—

1. Beza puts at the end of the letter the following statement :—"*Theodorus Beza, sententiam hac de re meam rogatus, breviter nec adeo meditate hæc descripsi, ut argumenti pondus et rei magnitudo requirebat, paratus id copiosius explicare, . . . si opus erit ;*" and it is quite evident from a perusal of the letter, that it contains several statements which would have required a more copious explanation, in order to bring out clearly and definitely the meaning which Beza attached to them.

2. The subject of the letter is not the exposition of the place or standing which the people ought to possess in the appointment of their ministers, but a much wider and more comprehensive one,—namely, the whole power assigned to the people in ecclesiastical matters by Morellius and the Independents, as contrasted with the powers assigned by Presbyterians to the presbytery and the people respectively. No one who has read the letter, and who has any acquaintance with the nature of the controversy which Morellius excited in the Reformed Church of France, can entertain a doubt of this.

Morellius had brought forward substantially the same views in regard to the power of the people in ecclesiastical matters, which were afterwards adopted by the Independents. His principles, as discussed and condemned in the synods of the Reformed Church of France, respected four topics: First, The decision of points of doctrine. Secondly, The election and deposition of ministers. Thirdly, Excommunication from the church, and re-admission to ordinances. And, fourthly, Lay preaching. On all these points he ascribed to the congregation the ordinary and supreme power of judging; and included under the election of ministers, the whole subject of their vocation, comprehending trial of qualifications and ordination. It was in opposition to these views that Beza's letter was written; and in discussing this subject, in these circumstances, there was a natural tendency to

make strong statements about the power of church courts, and to keep the rights of the people in the background. As his letter is a very brief and hasty statement upon a very wide and comprehensive subject,—as he does not discuss the subject with a distinct reference to its different departments, but as one general whole,—and as he scarcely alludes distinctively to the precise opinions which have been generally entertained by Presbyterian divines in regard to the standing and influence of the people in the appointment of ministers, apart from the other branches of the general subject, there is naturally, and almost necessarily, in the letter a certain want of clear and accurate statement,—a defect in distinguishing things that differ. Every one who has any knowledge of the principles involved in the controversy between the Presbyterians and the Independents (and this knowledge, as we shall afterwards show, Mr Robertson does not possess), must be aware, that while the Presbyterians commonly allowed to the people a general influence in the ordinary regulation of all important ecclesiastical affairs, they gave a much more distinct and definite deliverance upon their standing and influence in regard to the appointment of their own ministers, than in regard to any of the other branches of the power usually ascribed to them by the Independents; and that the Independents were accustomed to found an argument upon the principles of Presbyterians in regard to the rights and influence of the people in the election of their ministers, in favour of an extension of the power of the people beyond what Presbyterians thought proper, in regard to the other departments comprehended in the controversy. Beza, in speaking generally of the whole subject of the power of the people in ecclesiastical matters, does not advert formally to this distinction, afterwards clearly brought out by Presbyterian divines when the controversy was fully discussed; and was thus naturally led, not only to speak with a certain degree of vagueness and obscurity, but also in some measure to bring down his statements, in regard to the place and standing of the people, to the level at which Presbyterian divines have usually fixed them in regard to their power in ecclesiastical matters generally, and, of course, below the point at which they have usually placed them in regard to the distinct subject of the election of their ministers.

Mr Robertson says, that “Beza in the same letter reprobates, in the strongest terms, the idea that the people have any farther

right of interference in the choice of a minister," than that of objecting on cause shown; and then gives, in proof of this, a garbled extract which he found in Lord Medwyn. Mr Robertson having now read Beza's letter, must know that this statement is untrue; and that the right of interference, which Beza reprobates in the paragraph from which the garbled extract is taken, comprehends the whole of the ordinary and supreme jurisdiction in all ecclesiastical matters ascribed to the people by Morellius and the Independents. Mr Robertson says also, that "this letter obviously refers to this right of interference on the part of the people in the appointment of their pastors." How did he venture to make such a statement, when he had never seen the letter, and when he knew nothing about it, except a brief extract, which, as it stood in Lord Medwyn disjoined from the preceding context, he must have seen that it was not possible for him fully to translate? If this statement mean, as Mr Robertson apparently intended it, that the proper leading subject of the letter is the rights of the people in the appointment of their ministers, it is not true. If it mean merely that there are statements in the letter which refer to the subject of the appointment of ministers, it is true, but not to the purpose. In a letter published in the *Witness*, in May last, we said, that "the quotation, even in the mutilated form in which he found it in Lord Medwyn, should have suggested to him that Beza was writing upon a wider and more comprehensive subject than the appointment of ministers." Mr Robertson having procured a copy of Beza, after we had exposed his blunders, commented upon this statement in the Assembly; and seeming to understand it as containing a denial that there was anything in Beza's letter upon the subject of the appointment of ministers, he asserted that it did contain statements upon this point. We had never denied this. The statement we did make was unquestionably true, and we made it for the purpose of suggesting this very obvious consideration, that since the appointment of ministers was not the proper, direct, and leading subject of the letter, it was neither reasonable nor fair to found much on vague and indefinite expressions incidentally introduced, especially if any of them seemed to point to a conclusion opposed to the mature and deliberate judgment of the author on the subject which we are now discussing.

3. Neither the passage which Mr Robertson quotes, nor any



part of Beza's letter, contains anything which makes it even probable that Beza intended to restrict the people's influence in the appointment of their ministers, to a right of stating objections of which the church courts are to judge, or to sanction the power of church courts to intrude ministers upon reclaiming congregations. The preceding observations on Beza's letter, which we have extended the more because they apply substantially to another document which we must afterwards consider,—namely, the letter of the General Assembly in 1641,—apply chiefly not to Mr Robertson's quotation from Beza, but to the last sentence of our own extract, and to one or two statements of a similar kind which it contains. Unless Mr Robertson had been a drowning man, and therefore entitled to catch at straws, he would not have brought forward the quotation which he gives from Beza, as affording any countenance to his views. Let that quotation be examined, and let any impartial man say whether there be anything in it which *certainly and necessarily* implies (and all this, as we have shown, Mr Robertson is bound to prove) that the people have no other right in regard to the appointment of their ministers but that of stating objections; and that, when the church courts think the objections ill-founded, they are entitled to intrude, notwithstanding the continued opposition of the congregation. It recognises, indeed, the principle as a sound one, *ut nemo invito gregi obtrudatur*; but it contains no explanation of the import of this statement, nothing which either asserts or implies that it is not to be understood according to the natural and obvious meaning of the words. Indeed, the direct and leading object of the whole sentence is simply to assert the *necessity of publicity* being given to all ecclesiastical canons, and to any proposals for settling ministers, in order that the people may have an opportunity of considering, and, if they think proper, of objecting. The mention of the publicity, that should be given to any proposal for settling a minister, naturally reminded Beza of the great principle of non-intrusion; and he therefore introduced a statement of this principle, though it had reference only to one branch of the main subject of the sentence, as a special reason why, in regard to that branch of the main subject, full publicity should be given to any proposal of the church courts, and full opportunity afforded to the people to state their views regarding it. And this is the whole matter.



Even if we leave out of view,—what, however, it is of importance to remember,—that the substance and object of the whole sentence respect *equally* the establishment of ecclesiastical canons and the appointment of ecclesiastical functionaries, and attend only to what it says about the settlement of ministers, the substance of the sentence is manifestly this, and *nothing more*,—that when it is proposed to settle a minister, full intimation must be given to the people, and full opportunity to state whatever they think proper regarding the proposal, in order to secure that no man may be intruded upon them against their will. It contains nothing whatever, as Mr Robertson would have us to believe, to countenance the notion, that when the people have had a full opportunity of stating their objections to a person proposed to them to be their minister, then, in that case, whatever may be the *actual* result, and whether they be satisfied or not, the principle of non-intrusion has been acted upon, and they cannot justly complain that he has been intruded upon them against their will. Probably it implies, though even that cannot be proved, that in the process for carrying the principle of non-intrusion into effect, the people should state their reasons of objection to the presbytery, and that the presbytery should deal with them regarding them; but most certainly it implies nothing more, and gives no countenance whatever to the idea, that if the presbytery think the grounds of objection ill-founded, they are entitled to induct, though the congregation should continue to reclaim. Such a notion Beza never could consistently countenance; for not only did he maintain the divine right of the people to the substantial choice of their ministers, but he formally and expressly set his seal to the principle of non-intrusion, by subscribing the discipline of the Reformed Church of France. Not only is there nothing in this letter which affords any appearance of ground for charging him with the gross inconsistency of holding the right of church courts to intrude, but it contains positive evidence that he held the non-intrusion principle to which he was so solemnly pledged; for he argues in support of the propriety of the people acquiescing in the decisions of church courts regulating the ordinary management of ecclesiastical affairs, without insisting that they should be all submitted to the vote of the congregation, on this ground, that these decisions were pronounced by office-bearers “*antea ex ipsius multitudinis consensu delectis.*” We may in-

form Mr Robertson, that there is a passage in one of Beza's works which has more the appearance, though of course only the appearance, of countenancing his notions, than that with which Lord Medwyn supplied him.

We have proved, then, that Calvin and Beza held the divine right of the people to the choice of their own ministers, and of course gave them a larger share of influence in this matter than the Veto law assigns to them, and that therefore they could not consistently admit the right of church courts to thrust ministers upon reclaiming congregations; and we have also proved, that the evidence which Mr Robertson has produced in support of his allegation, that they gave the people only the right of stating objections and supported the right of church courts to intrude, is utterly destitute of weight and plausibility.

It was immediately after discussing the statements of Beza which we have now examined, that Mr Robertson thought himself entitled to use the following language:—"We own that we do not understand the constitution of that man's mind, who, in the face of evidence so clear and conclusive, can entertain the view of its (the principle that no man be intruded contrary to the will of the congregation) signification which has been taken up by the authors and advocates of the Veto. Of this we are perfectly convinced, that were the question to be decided in a court of law, there is not a single admissible rule of evidence that could be applied to it, which would not require the phrase to be construed in the qualified sense in which Beza has employed it." \*

We have shown, that if Beza had employed the phrase in a qualified sense, this was no sufficient reason for taking it in a qualified sense in the Second Book of Discipline, where no such qualification appears; and we have also shown that the attempt to prove that Beza uses this statement in the qualified sense attached to it by our opponents has failed. We are at present somewhat afraid of boasting, having the case of Mr Robertson before us as a beacon to warn us, but we do think that all Mr Robertson's allegations upon this point have been disproved, and that all his evidence has been rebutted; and we may perhaps be permitted to express a hope, that ignorant Doctors and ignorant Peers, in defending their Popish and Moderate notions about the

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\* P. 65.

power of church courts and the rights of the people, will not henceforth venture to allege that they are supporting the non-intrusion of Calvin and Beza.

We think we may also presume to assert, that we have shown that all Mr Robertson's attempts to pervert the plain meaning of the Second Book of Discipline have been unsuccessful; and that the statements of that Book, taken in their natural and obvious sense, clearly and unequivocally sanction the principle of the Veto Act, and prove that the Christian people should have at least a negative upon the appointment of their ministers.

The principles of the Veto, then, are fully recognised in the acknowledged laws and constitutions of the Church, in the First and Second Books of Discipline; in the one, by implication *a fortiori*, since it gives to the people a larger share of influence in the appointment of their ministers than the Veto Act; and in the other, directly and explicitly, in the plainest and clearest language,—language which may mean, and probably was intended to mean, more than the words themselves strictly and necessarily imply, but which, according to the strictest principles of interpretation, must mean, at least that the Christian people should have a veto, or negative, on the appointment of him who is to watch for their souls.

We have said enough to prove, that when the Church of Scotland resolved to enforce the principle of non-intrusion by passing the Veto Act, they introduced no innovation in principle, but were walking in the footsteps of the “primitive and apostolical kirk,” and of the great body of the Reformers, and that this measure was fully sanctioned by their own constitutional standards. Nothing more requires to be said upon this point, and it is rather for the purpose of exposing Mr Robertson's misstatements, and bringing out more fully the testimony of the great men connected with the second Reformation and the Revolution settlement, than because the general argument requires it, that we proceed with our investigation.

#### *Sec. V.—Views of the Church of Scotland,—1638–1645.*

We now turn to Mr Robertson's sixth section, which is entitled, “Veto Act inconsistent with the principles maintained by the Church of Scotland, during the period of the second establishment of Presbytery;” and, of course, the first point we have to consider,

is the declaration of the famous Assembly of 1638, couched in these words : “ Anent the presenting either of pastors or readers, and of schoolmasters, to particular congregations, that there be a respect had to the congregation, and that no person be intruded into any office of the kirk, contrary to the will of the congregation to which they are appointed.” Mr Robertson attempts to evade the force of this statement by this consideration, that as it is not alleged that in regard to schoolmasters the people have any higher right than that of stating objections of which others are to judge, this must also be taken as the explanation of what is here said about pastors. But this argument rests upon a very obvious fallacy, —namely, the assumption that the whole statement applies equally to all the parties mentioned in it, whereas it manifestly consists of two distinct positions,—First, the more vague and general one, applicable equally to pastors, readers, and schoolmasters, namely, that in their appointment “ respect be had to the congregation ;” and, secondly, the more precise and definite one, applicable only to office-bearers in the kirk,—that is, to functionaries appointed by Christ for the administration of His ordinances and the government of His house,—namely, “ that they be not intruded contrary to the will of the congregation to which they are appointed.” Schoolmasters are not office-bearers of the kirk, and it was expressly decided by the Assembly of 1580\* that “ the office of reader is no ordinary office within the kirk of God.” The second part of this declaration, therefore, cannot apply to readers and schoolmasters, —a fact which proves that the one part of it is not to be understood as explanatory of the other, and leaves the declaration against intrusion, with respect to pastors and other office-bearers, to be understood according to the natural and proper meaning of the words, as we have established it in commenting upon the Second Book of Discipline. We have here, therefore, the clear and explicit sanction of the noble Assembly of 1638, and of the great men to whom, under God, we are indebted for the second Reformation, to the principle of the Veto Act. It is deserving of notice, that the Assembly of 1638 did nothing upon the subject of the appointment of ministers, except re-enacting the provisions of the Assembly of 1596, and adopting this explicit declaration of the principle of non-intrusion.

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\* “ Book of the Universal Kirk,” p. 196.

Mr Robertson has not quoted, in this connection, the treatise formerly referred to, published in 1641, and entitled, "The Government and Order of the Church of Scotland." This work is usually ascribed to Alexander Henderson, and was certainly written by one of the leading men of the period, for the purpose of giving an authentic view of the practice of the church at that time. Such a treatise, published in such circumstances, might be expected to give us some important information upon the subject now under discussion. It certainly contains nothing in favour of Mr Robertson's views; but it decidedly supports our views, and therefore we must advert to it. We have already seen, that while it contains no trace of the presbytery claiming or exercising the initiative, it shows that the session usually exercised a sort of initiative "with the consent and good-liking of the people," which must have been practically tantamount to popular election. We find also,\* that on the day of ordination "the party is called up, and demanded concerning his willingness and desire to serve the Lord Jesus for the good of that people, with other questions of that kind; and the people also are demanded whether they will receive him for their pastor, and submit themselves unto his ministry in the Lord. *Both having declared their readiness and mutual consent,*" then the service proceeds. In the case of a translation, there is, of course, no new ordination: "Only, at his admission, one of the presbytery, who is appointed to preach of the duty of pastors and people, and to pray for a blessing, recommendeth him to the congregation, *who have before declared their willingness and desire to receive him.*"† Farther, it says: "No man is here obtruded upon the people against their open or tacit consent and approbation, or without the voices of the particular eldership with whom he is to serve in the ministry," etc.‡ And it is worthy of notice that Gillespie—who certainly was a most competent judge of the meaning of this treatise—quotes the extract last made, as well as the declaration formerly produced from the Assembly of 1638, as supporting the principle which he was advocating, and which was unquestionably the right of the people to dissent, without requiring to substantiate reasons to the satisfaction of the church courts.§

\* "The Government and Order of the Church," pp. 9, 10.  
† P. 13.

‡ P. 8.

§ Gillespie, "Miscellany Questions," p. 9 (Ogle's Edition).

It appears also from this treatise, that the church of that day was not fully satisfied with this non-intrusion, implying the tacit or open consent of the congregation, but thought the rights of the church, and the proper mode of appointing ministers, to be somewhat infringed, so long as lay patronage continued; and, in this view, we, in common with all the anti-patronage men of our own day, cordially concur with them. "This liberty of election is in part prejudged and hindered by patronages and presentations, which are still in use there (this treatise was written chiefly for England), not by the rules of their discipline, but by toleration of that which they cannot amend."\* If the right of patronage had been at that period understood in such a sense, and generally enforced in such a way, as to require presbyteries to intrude ministers upon reclaiming congregations, the fathers of the second Reformation would not have spoken of it as "in part hindering," but as utterly destroying "the liberty of election;" but having the right of examination and trial by the presbytery secured to them by law, and having practically also the means of protecting the people against the intrusion of obnoxious presentees, they thought that patronage might be tolerated or submitted to, while, of course, it could never be approved of, and while they held themselves bound to aim in the use of all lawful means at its entire abolition. And these are the principles of the anti-patronage men of the present day.

We have also some interesting, though indirect, indications of the mind of the church on this subject, in certain Acts of Parliament passed in 1640 and 1641. The object of these Acts was to provide for the exercise of patronage in parishes where the right had formerly belonged to the bishops, or at present belonged to the opposers of the Covenant, the open enemies of the constitution in Church and State. The right of presenting in these cases is conferred upon the presbyteries; but the Acts expressly provide, that their right of presenting is to be exercised "without prejudice of the interests of parishes, according to the acts and practice of the kirk since the Reformation,"—"with the consent of the parish,"—and "upon the suit and calling of the congregation." These expressions are taken from three different Acts, and are evidently used as substantially synonymous. They cannot be fairly regarded as importing that the parish was to have less than a negative upon

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\* P. 11.

the person presented by the presbytery. We have no good ground to regard the provision, that the right of presentation should be vested in the presbytery, as indicating the deliberate judgment of the church as to the way in which the election of ministers ought to be settled. We have already seen, that in Henderson's treatise, published in the same year, there is no trace of the initiative of the presbytery, and no indication of the church's approbation of it. Although the church had great power at the time, it is not at once to be assumed as a matter of course, that every Act of Parliament connected with ecclesiastical matters was exactly such as she would have liked. The civil authorities have generally been more favourable to the power of the presbyteries than of the people in this matter; probably because they have found that presbyteries are frequently more manageable than congregations. And there might be various reasons which rendered it desirable to vest the formal legal right of presenting in the presbytery, while it might not be wished or intended to introduce any material change upon the practice which we know to have then prevailed. Still, the interest of the people was carefully reserved, and the patronage of the presbytery was to be exercised only with the consent of the parish, and upon the suit and calling of the congregation. If the restoration of the rights of patrons had been accompanied with these provisions, no one could have doubted the legality of the rejection of the presentees to Auchterarder and Marnoch. This may be fairly regarded as a corroboration of the grounds on which we dispute Mr Robertson's assertion that "the Veto Act is inconsistent with the principles maintained by the Church of Scotland during the period of the second establishment of Presbytery." We come now, however, to what he puts forth as positive evidence in support of his assertion; and it is plain, that after what we have already produced on the other side, his evidence must be very direct, explicit, and conclusive, and not founded upon uncertain inferences from obscure or equivocal expressions, incidentally used when a different subject was under discussion.

Mr Robertson's first attempt to show that the Church of Scotland, at this period, held principles inconsistent with the Veto Act, is founded upon some statements in a letter of the General Assembly in 1641. Some English Presbyterian ministers had written to the Assembly, giving an account of the scheme of church government which had recently been put forth by the Independ-



ents, and requesting the Assembly to give them their opinion regarding it. In the Assembly's answer, which contained a brief and summary deliverance upon the whole subject of the power and influence ascribed to the people by the Independents in the regulation of ecclesiastical affairs, some expressions occur, in which Mr Robertson imagines that he finds something to countenance his views.

Nearly all the statements which we formerly made in commenting upon Beza's letter, under the second head, apply equally to this letter of the Assembly, with this remarkable difference, that whereas Beza's letter contains some statements which do refer to the subject of the appointment of ministers, although they are introduced incidentally, *there is in the Assembly's letter no allusion to this topic*,—there is nothing which affords even the slightest indication, that, in preparing it, this subject of the appointment of ministers had ever entered into their minds. No man who has any acquaintance with the great controversy between the Presbyterians and the Independents, can entertain a doubt that, in giving a summary deliverance upon the subject, the Assembly might, nay must, have said all that their letter contains, even though the subject of the election of ministers had never crossed their thoughts. This general consideration is quite sufficient to show that it is perfectly preposterous to found any argument in favour of the right of church courts to intrude, upon the statements of this letter.

But we shall examine the clauses on which Mr Robertson founds his argument. The Assembly declare it to be their judgment, that “not only the solemn execution of ecclesiastical power and authority, but the whole exercises and acts thereof, do properly belong unto the officers of the kirk, yet so, that in matters of chiefest importance, the tacit consent of the congregation be had before their decrees and sentences receive final execution.” Now, we admit that the tacit consent here spoken of does not seem to imply that the congregation had, properly speaking, a right to a veto or negative upon the exercises and acts of ecclesiastical authority; although we do not found this opinion, as Mr Robertson does, upon the mere use of the word *tacit*, but upon the general complexion of the statement, which does not seem intended to make this consent a *sine qua non*, or to assign to it the same place in the general exercise of ecclesiastical government, as is assigned by the Books of Discipline to the consent of the congregation in

the election of ministers. Mr Robertson having evidently never heard that Presbyterian divines admitted the propriety of having any regard to the consent of the people in the ordinary acts of ecclesiastical government, appears to imagine that this tacit consent, which does not seem to imply a negative, must refer chiefly to the appointment of ministers.

It is very easy to show, that this notion originates in ignorance. In the treatise so often referred to, published also in 1641, and usually ascribed to Henderson, by whom it is well known that this letter of the Assembly was prepared, the following passage occurs:—"Nothing useth to be done by the lesser or greater Presbytery in ordering the public worship, in censuring of delinquents, or bringing them to public repentance, but according to the settled order of the Church, and with express or tacit consent of the congregation."\* And in a treatise of Gillespie's, published also in 1641, and entitled, "An Assertion of the Government of the Church of Scotland," we find the following statements:—"It is objected (by Independents) that what concerneth all ought to be done with the consent of all. Ans. We hold the same; but the consent of all is one thing, the exercise of jurisdiction by all another thing." In commenting upon the Council at Jerusalem, he says,—“The apostles and elders met, sat, and voted, apart from the whole church, and they alone judged and decreed. In the meanwhile, were matters made known to the whole Church, and done with the consent of all.” The brethren are mentioned (along with the apostles and elders), because it was done with their knowledge and applause. “Now, if the authors of that Confession (the old separatists) thought the Christian liberty of a Congregation sufficiently preserved, when the Pastor or Pastors thereof do manage the weighty ecclesiastical affairs and government, with the knowledge, and (at least tacit) consent of the congregation itself, then do we not only sufficiently and abundantly preserve the liberty of the congregation, while as not the pastor or pastors thereof alone, but sundry ruling elders also representing the congregation, do manage the affairs aforesaid, the congregation withal understanding thereof, and consenting thereto, *tacite* if not *expresse*.”† It is quite manifest, then, from the known sentiments of the church at this time, that there is not the slightest ground for supposing that in this

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\* Pp. 38, 39.

† Pp. 117-120.

passage the Assembly had any reference to the appointment of ministers, since it is plain that they might, nay must, have said all that is there set forth about the consent of the congregation, if they had been speaking of ecclesiastical government in general,—the only point on which they profess to give a deliverance.

Not only, however, is it certain from the known sentiments of the church, that there is no ground for supposing that the Assembly referred here to the appointment of ministers; but we know that in fact, when treating of the subject of the appointment of ministers, they did not speak of the power and influence of the people in so vague and general a way. The leading men in the church at that period all held that ministers should be settled only on the choice, or with the consent, of the people. The Independents endeavoured to show that this was to ascribe to the people a share in the government of the church, and then argued, that if the people had a right to a share in this department of government, they should also have it in others. The Presbyterians maintained that their principles about the appointment of ministers did not involve an ascription to the people of a share in the government of the church, and that there were distinct and special grounds in Scripture for assigning to the people a much higher and more definite influence in the appointment of their own ministers than in any other department of the ordinary administration of ecclesiastical affairs. We had formerly occasion to explain this matter,\* in exposing a misstatement of Dr Muir's; and we there made references to some distinguished Presbyterian divines in support of our positions. The references were these: Gillespie's *Assertion of the Government of the Church of Scotland*;† Baillie's *Disuasive from the Errors of the Time*;‡ Wood's *Refutation of Lockyer*;§ the first of these works being published in 1641, the second in 1645, and the last in 1654, and thus exhibiting the substantial identity of the sentiments of the leading Presbyterian divines during the whole period of that controversy.|| No one will dispute the general truth of these statements; and if true, they prove that the most able and learned of our forefathers made,

\* *Strictures on Rev. Mr Robertson's "Observations,"* p. 24.

† Pp. 116, 117.

‡ Part I., c. ix., pp. 194, 195.

§ Part II., pp. 214, 244.

|| See also Ferguson's "*Brief Refutation of Errors of Toleration, Erastianism, and Independency*," preached in 1652, published in 1692, pp. 127, 180.

upon scriptural grounds, a sort of exception of this subject of the appointment of ministers; and although by doing so they seemed to lay themselves open to the charge of inconsistency, distinctly and decidedly assigned to the people a standing and influence in this matter which they did not think the Scriptures assigned to them in any other department of ecclesiastical affairs.

These considerations prove that it is unwarranted and unreasonable to draw any inference as to the place and standing assigned by Presbyterian divines to the people in the appointment of ministers, from a mere general deliverance on the principles of Independency,—from a general statement of the standing and influence of the people in the administration of the ordinary government of the church;—and of course they overthrow Mr Robertson's argument founded upon an indefinite statement of this general principle, and not containing even an allusion to the special subject of the appointment of ministers. Dr Muir and Mr Robertson may, perhaps, still think that the leaders of the second Reformation were guilty of inconsistency in not applying fully to the special subject of the appointment of ministers, their general statement about the standing of the people in the ordinary government of the church. But we venture to think that Henderson, Gillespie, Baillie, Rutherford, and Wood, understood these matters quite as well as Dr Muir and Mr Robertson. Bellarmine, as we formerly showed, thought there was an inconsistency in this, and so did the Independents; but we have more respect for the opinion of the men to whom, under God, we are indebted for the standards of our church, than for that of Dr Muir and Mr Robertson, though backed by Bellarmine and the Independents. And whether the great champions of Presbytery were right or wrong in this matter, the fact that they did hold the views we have stated, is amply sufficient for our present purpose,—which is merely to prove, that no fair or legitimate inference can be drawn as to the opinions they entertained with regard to the proper standing and influence of church courts and Christian congregations in the appointment of ministers, from a brief and summary statement of their views as to the general influence of the people in the ordinary regulation of ecclesiastical affairs.

We are almost ashamed to notice Mr Robertson's attempt to found an argument upon another statement in this letter, to the effect that the decisions "of the greater presbyteries and synods,

provincial and national," in cases of appeal, are "to the several congregations authoritative and obligatory, and not consultatory only." We thought that every minister of our church must have known that this is neither more nor less than a decision upon one important principle in the controversy with Independents, who ascribed to each congregation supreme and independent jurisdiction in the management of its own affairs, and who, while they admitted that congregations might, in difficult cases, *consult* with advantage, synods of ministers, denied to these synods any *authority* over the congregations. In short, this clause contains nothing more, either directly or by implication, than the statement in the Confession of Faith, *which was intended as a decision of precisely the same point*,—namely, that "it belongeth to synods and councils . . . to receive complaints in cases of maladministration, and *authoritatively* to determine the same.

Surely we are warranted in saying, that the cause of our opponents can derive no support from this letter of the Assembly, and that Mr Robertson, by the use which he has endeavoured to make of it, has proved himself to be utterly ignorant of the subject to which the letter refers, and of the important controversy to which that subject gave rise at a very interesting period of our ecclesiastical history.

The next subject to which Mr Robertson adverts, is the Act of the Assembly 1642, in regard to the preparation of lists of expectants for the supply of vacant parishes. The King had agreed to supply all the parishes of which he was patron, by nominating one out of a list of six expectants, to be prepared by the presbytery of the bounds. The Assembly passed an Act, containing directions as to the way of preparing these lists; but there is nothing in its provisions that favours Mr Robertson's views,—since it expressly enjoins that the presbytery are to prepare the list, "with consent of most, or best part, of the congregation,"—and since there is nothing in it implying that the ordinary principles and practice of the church were to be disregarded in the admission even of the one out of the list of six thus prepared, whom the King might select. Baillie's commentary on the provision about "the consent of most, or best part, of the congregation," is to "send up six to the King, to present any one, whereof we would assure *should be*

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\* Chap. xxxi. sec. 3.

*accepted by all who had interest,"*\*—a statement not consistent with the possibility of intrusion.

So far as concerns the bearing of this procedure upon the views of the Assembly in regard to patronage, we have to remark, that it implies nothing more than this, that the Assembly were willing practically to concur in the alleviation or mitigation of an evil which they wished to be removed, but the entire abolition of which they could not at the time effect; and this is a principle on which the anti-patronage men of our day hold themselves also warranted to act.

Mr Robertson seems to have introduced this subject, which manifestly affords no ground for his views, chiefly for the purpose of inveighing against the tyranny exercised by the Assembly in reserving to itself an efficient control over the preparation of these lists; and alleges, that this was intended for the purpose of excluding from the ministry any who were not agreeable to the dominant party. We are not aware that there was any dominant party at this period, and we certainly cannot see anything so heinous in what the Assembly did,—anything but what might be fully justified by the peculiar circumstances in which the church and country were then placed. Church courts are just as fully entitled to decide, according to their own convictions and on their own responsibility, whether they will grant induction and ordination, as congregations are, to decide whether they will receive a particular individual proposed to be their minister; and it does not in the least affect the principle of the question, whether they determine each case of an application for admission and ordination separately, or whether they lay down certain general rules for the ordinary regulation of their conduct; and it is also evident, that the peculiar circumstances of the church may sometimes justify the supreme Executive Court in exercising a more rigid superintendence over the admission of men to the ministry, than can be fully provided for by general regulations applicable to ordinary times.

The next topic that demands our consideration is, the "Form of Presbyterian Church government, and of the ordination of ministers, agreed upon by the Assembly of Divines at Westminster," and approved of by the General Assembly in 1645. Mr Robertson, in

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\* Baillie's "Letters," vol. i. pp. 341, 342.



his usual style, asserts that the approbation of this Directory by the General Assembly was “altogether inconsistent with the now pretended fundamental principle of non-intrusion,”—“an unanswerable proof, that the principle of non-intrusion, as now understood, was not a principle recognised at the period in question, either in the constitution or practice of the Church of Scotland.”\*

Let us examine this “unanswerable proof.” The main facts are these: The leading proposition in this document, having reference to the subject now under discussion, is in these words:—“No man is to be ordained a minister for a particular congregation, if they of that congregation can show just cause of exception against him.” In the Directory for the ordination of ministers, it is set forth, that “he that is to be ordained, being either nominated by the people or otherwise commended to the presbytery for any place, must address himself to the presbytery,” etc.; that, after being fully examined by the presbytery as to his gifts and qualifications, “he is to be sent to the church where he is to serve, there to preach three several days, and to converse with the people, that they may have trial of his gifts for their edification, and may have time and occasion to inquire into, and the better to know, his life and conversation,”—that then public intimation shall be given to the people, that, upon a certain day, “a competent number of the members of that congregation, nominated by themselves, shall appear before the presbytery to give their consent and approbation to such a man to be their minister; or otherwise, to put in, with all Christian discretion and meekness, what exceptions they have against him. And if, upon the day appointed, there be no just exception against him, but the people give their consent, then the presbytery shall proceed to ordination.” And finally, the General Assembly, in approving of this Directory, concluded their Act with this remarkable provision:—“Provided always, That this Act be no ways prejudicial to the farther discussion and examination of that article which holds forth, That the doctor or teacher hath power of the administration of the sacraments, as well as the pastor; as also of the distinct rights and interests of presbyteries and people in the calling of ministers; but that it shall be free to debate and discuss these points, as God shall be pleased to give farther light.”

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\* Pp. 139, 141.



Now, we concede to Mr Robertson that this was regarded by the Westminster Assembly as a good and proper Directory, in the ordinary circumstances of the church, and without reference to the particular exigency of the times; and that the statement about the person to be ordained being "either nominated by the people, or otherwise commended to the presbytery," implies a virtual admission that there were, or might be, other ways besides popular election in which a man might be commended to the presbytery, and which they might practically acknowledge so far as to take steps for proceeding with his trials; but Mr Robertson goes too far when he says, that "the expression, 'otherwise commended to the presbytery,' does not exclude, or rather, it was its express object to designate, appointments to the pastoral office made by the presentation of lay patrons." The statement really implies nothing more than this, that while nomination by the people, or popular election, was, beyond all question, a proper and competent mode of being commended to the presbytery, and the only mode which they wished explicitly to mention and to sanction, yet they did not mean to deny that there might be other modes, which presbyteries might so far recognise as to go on with the trials of those otherwise commended to them. We do not assert, as Mr Robertson seems to insinuate has been done by others, that the Directory "admits no other nomination or election to be competent than that of the congregation;" but we do say, that this mode of election is most expressly sanctioned, and that, while there is a vague admission that every other mode of appointment is not to be held unlawful, in the sense that the presbytery ought to pay no regard to it, yet no other specific mode of appointment is mentioned or sanctioned. The Directory distinctly recognises the competency and the capacity of the people to judge of the gifts for edification, and of the life and conversation, of the person proposed to be their minister; and though this, of course, does not supersede the judgment of the presbytery, yet the statement is manifestly, in its general spirit and tendency, opposed to the notions which Dr Muir and Mr Tait have put forth upon this point.

In regard to the principle of non-intrusion, as understood by the advocates of the Veto Act, while we admit that the Directory does not give it any positive support, yet we assert that it contains nothing to which a non-intrusionist would refuse to assent. We

have no positive objection to anything contained in the Directory on this subject. We can assent to all its statements, and in this sense approve of them, although we think some of them defective. All that it contains upon this subject is true; but it does not contain the whole truth. The leading doctrine, that "no man is to be ordained a minister for a particular congregation, if they of that congregation can show just cause of exception against him," is one to which the advocates of non-intrusion and of popular election can cordially assent, as containing an unquestionable truth. They think it defective, indeed, as not giving to the people the whole of the influence which they ought to possess in the matter; but that, of course, is no reason why they should refuse to assent to it, if they are not precluded from maintaining what they farther believe on this point. That this is the true state of the case, must be evident to every one who will carefully peruse the Directory; but as this point is important in its bearing upon the interpretation of the reservation in the concluding clause of the Act of the Assembly approving of it, it may be proper to confirm it.

It is well known, although Mr Robertson does not know it, else he would have mentioned it, that some of the English Presbyterians at this period had been led to entertain views of the rights of the Christian people in the appointment of their ministers, of a somewhat more narrow and illiberal cast than had ever been sanctioned by the Reformers, or countenanced by the Church of Scotland. Travers, the opponent of Hooker, and Cartwright, the antagonist of Whitgift, who were the two ablest and most learned men among the early English Presbyterians, and who, when persecuted in England for their Puritanism, were invited by Andrew Melville to Scotland to become professors of divinity, held the right of the people to choose their own ministers, and the necessity of at least their consent. The five distinguished divines who, in 1641, published the celebrated work usually called *Smectymnuus*, all of whom were members of the Westminster Assembly, had also maintained the right of the people to choose their own ministers.\* And here it is interesting to notice that those of them who took any part in the discussions in the Westminster Assembly on the point we are now considering,—namely, Marshall, Calamy, and Young,

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\* *Smectymnuus*, pp. 33-35.

—supported the Commissioners from the Church of Scotland, in maintaining that a higher place and a greater influence should be given to the people.\* At the same time, it is plain from Lightfoot's account of this discussion, as well as from other sources, that there were some members of the Assembly, who, while they would not have disputed the lawfulness and propriety of popular election, did not think the people had a right to choose—did not hold, in a strict and proper sense, the necessity of the people's consent; and who seem to have been disposed to give to church courts a power to disregard their opposition if they thought the reasons ill-founded. Nothing like this had ever before been maintained by Presbyterian divines; and the fact that it appeared at this time among some of the English Presbyterians, is to be explained by a very peculiar combination of causes,—namely, first, their Episcopalian education; secondly, a tendency to lean to the opposite extreme, rather than even appear to countenance anything like Independency; and, thirdly, the very anomalous and distracted state of the community at this time. With such views prevailing among some of the members of the Westminster Assembly, they could not agree together in any proposition upon the subject which went farther than that which we find in the Directory. Not merely the Scotch Commissioners, but some of the regular members of the Assembly, struggled hard to get introduced something more full and satisfactory in regard to the power and rights of the people—to have an assertion of their right to choose, or of the necessity of their consent, or of the unlawfulness of intrusion inserted. But this could not be obtained. And the Assembly, after having, upon a vote, refused to entertain for discussion these two propositions tendered,—first, a minister is not to be ordained at all, without the consent of the congregation; and, secondly, the people have a right to nominate,—ultimately agreed *unanimously* to the proposition as it now stands in the Directory; not, of course, because they all thought it satisfactory and sufficient, but because it was unquestionably true in itself,—so far as it went,—because it was not so expressed as to import a denial or renunciation of the higher doctrines which many of them held on the subject,—and because it went as far as the Assembly could go unanimously upon the point.

The Scottish Commissioners who took part in this discussion—

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\* Lightfoot's Journal, Works, vol. xiii. pp. 231-3.

Henderson, Rutherford, and Gillespie—asserted the people's right to choose their own ministers,—the necessity of their consent,—the unlawfulness of thrusting ministers upon reclaiming congregations; so that, in so far as we have any indication of the mind of the Church of Scotland expressed on this occasion by her Commissioners, it was clearly and unequivocally in favour of the principle of the Veto Act, and in opposition to the fulness and sufficiency, at least, though not the direct truth, of any statement upon this subject that did not effectually guard against the possibility of intrusion.

But, says Mr Robertson, the General Assembly approved of the Directory, and thus “sanctioned an Act respecting the admission of ministers altogether inconsistent with the now pretended fundamental principles of non-intrusion.” With the clear and explicit testimony of the Assembly of 1638, that “no man be intruded into any office of the kirk contrary to the will of the congregation,”—with the undoubted fact that the Scotch Commissioners in the Westminster Assembly insisted upon ascribing to the people more power in the appointment of their ministers,—we would be quite entitled to conclude, that even if the General Assembly had unconditionally approved of the Directory, this was to be understood only in the sense in which the proposition that relates to the present discussion was ultimately adopted unanimously by the Westminster Assembly,—namely, that that proposition was true in itself, so far as it went, though it did not contain the whole truth upon the subject. But the Assembly did not unconditionally approve of the Westminster Directory. They inserted in their Act a clause expressly reserving “the farther examination and discussion of the distinct rights and interests of presbyteries and people in the calling of ministers.” Mr Robertson admits that this excepting clause “does show that there were certain points in the Westminster propositions on ordination, in regard to which, as they affect the rights of presbyteries and congregations in the calling of ministers, the Church of Scotland was not altogether clearly resolved;” but he strenuously contends that the Assembly must have intended to approve of the Westminster Directory, at least *ad interim*, and insists, that by doing so, they renounced the principle of non-intrusion. It must be obvious, from the explanation which has already been given, that this assertion about the General Assembly *approving* of all that is contained in the Direc-

tory, is of equivocal import, and may be understood in somewhat different senses ; and that, in so far as it is true, it does not imply a renunciation or denial of the principle of non-intrusion.

Mr Robertson states the question as to the proper bearing and import of the excepting clause in this way :—" Were the provisions of the Westminster Directory, as to these points, agreed to as an interim measure, with no other reservation than that of a right to reopen the discussion respecting them, as God should be pleased to give farther light ? Or, did the Church of Scotland intimate her fixed determination to dissent from the articles in question, and to follow a course of policy in regard to the matters treated in them, more congenial to her own views ?" Mr Robertson, of course, holds the first of these positions, while Lord Moncreiff, in his speech upon the Auchterarder case, seems to have sanctioned the latter ; and the principal part of Mr Robertson's discussion of this point consists of an answer to Lord Moncreiff's statement of the import of the excepting clause. We have the most sincere and profound admiration for Lord Moncreiff's masterly speech in the Auchterarder case, and are firmly persuaded that it is altogether unanswerable ; but we must admit that he has, from inadvertence, somewhat overstated this point about the import of the excepting clause ; and that Mr Robertson has proved, that if the Assembly had intended it as an indication that they *positively disproved of, and dissented from*, the statement in the Directory about the standing of the people, they were bound, in integrity and fairness, to have made their exception more distinct and explicit.

Lord Moncreiff's statement, then, that the General Assembly " would not agree to " this proposition in the Directory, is somewhat erroneous ; but Mr Robertson's counter statement, that the Assembly approved of and agreed to that proposition, is equivocal : it is true in one sense, and false in another. They agreed to it in the sense in which the Scotch Commissioners seem ultimately to have agreed to it in the Westminster Assembly, as being true in itself so far as it went, and as not importing a denial of other principles which they also held upon this subject. Lord Moncreiff's statement, that " the Assembly were not satisfied " with the proposition, is quite correct. The excepting clause plainly

indicates dissatisfaction, though not positive disapprobation and actual rejection; and if there was dissatisfaction with the place assigned to the people in the Directory, it could be only on the ground stated by Lord Moncreiff, "that it did not require the consent of the people as indispensable." This is plain at once from the declaration against intrusion adopted by the Assembly of 1638, and from the ground taken by the Scotch Commissioners in the Westminster Assembly. Dissatisfaction, in this sense, and upon this account, is plainly implied in the excepting clause; and the grounds on which Mr Robertson argues against Lord Moncreiff's statement, that they "would not agree to it," do not in the least militate against the idea that they intended, in this sense, to express dissatisfaction, although they do show that the Assembly could not honestly, without a fuller statement of their intention, have meant it as a positive and direct disapprobation, or actual denial, of anything contained in the Directory.

Thus, then, it appears that even if the Assembly had given an unqualified approbation of the Westminster Directory and propositions, this could not in fairness have been held to involve a renunciation of the principle of non-intrusion which had been asserted by the Assembly of 1638, and maintained in the Westminster Assembly by the Scottish Commissioners; and that the excepting clause with which they did approve of it, contains a plain enough intimation, that while they did not reject anything actually contained in the Directory, they still meant to adhere to those higher and sounder views, about the standing of the Christian people in the appointment of ministers, which the Church of Scotland had always professed. This view of the matter is greatly confirmed—and, indeed, we might say established—by the important fact recorded by Baillie,\* that the Act of the Assembly upon the subject was prepared by George Gillespie, who, beyond all question, most strenuously maintained, in the Westminster Assembly, the principle of non-intrusion as understood by the supporters of the Veto Act, and continued to do so till the end of his life.

Mr Robertson suggests as highly probable, that this excepting clause was intended to apply, not to the rights of the people, but only to the rights of presbyteries, in the calling of ministers.

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\* Baillie, "Letters," vol. ii. p. 90.



Even if he could prove that it was intended to express dissatisfaction, in a certain sense, with the statements of the Directory about the rights of presbyteries, it would not by any means follow, as he seems to suppose, that it was not intended also to express the same feeling in regard to the rights of the people; for it might apply equally to them both. The known doctrine of the Church of Scotland, as declared by the Assembly of 1638, and the conduct of her Commissioners in the Westminster Assembly, afford "unanswerable proof" that it was intended to apply to the provisions about the rights of the people; while there is no proof that it was intended to apply to the rights of presbyteries.

But we have no interest in disputing that this excepting clause might also apply to the rights of presbyteries, and shall not discuss the grounds on which Mr Robertson rests this conjecture. Mr Robertson seems annoyed at being obliged to admit that the Scotch Commissioners in the Westminster Assembly "held clear and decided views, that the free and unfettered nomination of their pastor is the undoubted privilege of every Christian congregation."\* He would fain represent these as the views of only a party in the Church of Scotland, although he can produce no evidence that any minister in the church then entertained a different opinion upon this point. He says,—“It is material to observe that none of their number ever once attempted to support his views in favour of popular election by an appeal to either the principles or practice of our national Establishment.” We do not think this material, even if true, as the matter was never fully and formally discussed in the Westminster Assembly. But he has produced no evidence of the fact. He founds only on the omission of any notice of this consideration in Lightfoot’s Journal. But as Lightfoot’s Journal consists only of jottings, sometimes so concise as to be scarcely intelligible, it is evidently preposterous to found any argument upon *its omissions*; especially as the subject was never fully discussed in the Assembly, and as Lightfoot does not give us information about *any* of the grounds on which they maintained their principles, except a general reference made by Samuel Rutherford to the Scriptures as the basis on which they rested them. If the matter had been fully discussed in the Westminster

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\* P. 134.



Assembly, we have no doubt that the Scottish Commissioners would have established the right of the Christian people to the choice of their own ministers upon scriptural grounds, which neither Papists, Prelatists, nor Moderates would have been able to overthrow.

*Sec. VI.—Views of the Church of Scotland,—1649.*

Nothing important occurs in the prosecution of this investigation, until the era of the abolition of patronage in 1649. It will not be disputed, that the Act of the Estates abolishing patronage was procured by the influence of the church, and may be regarded as the unanimous testimony of the church of that period against this unlawful encroachment upon the rights of the Christian people.

A paper had been published a few days before the passing the Act of Estates abolishing patronage, entitled, “Reasons, proving that Patronages and Presentations of Kirks are sinful and unlawful,” from which an interesting extract is given in Dr M’Crie’s Evidence.\* The Act of Parliament itself, which, as Willison said, “is worthy to be written in letters of gold,” is interesting and important in its bearing upon the present discussion. This Act declares, “That patronages and presentations of kirks is an evil and a bondage under which the Lord’s people and ministers of this land have long groaned; and that it hath no warrant in God’s word, but is founded only on the canon law, and is a custom Popish, and brought into the kirk in time of ignorance and superstition; that the same is contrary to the Second Book of Discipline, and to several Acts of General Assemblies; and that it is prejudicial to the liberty of the people and planting of kirks, and unto the free calling and entry of ministers unto their charge.” It proceeds to prohibit and annul “all patronages and presentations of kirks, whether belonging to the king or to any laic patron, presbyteries, or others, within this kingdom, as being unlawful and unwarrantable by God’s word, and contrary to the doctrine and liberties of this kirk.” It provides, that kirks be planted “upon the suit and calling, or with the consent of the congregation, on whom none is to be obtruded against their will.”

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\* Patronage Report, p. 360.

It provides farther, that “whosoever hereafter shall, upon the suit and calling of the congregation, after due examination of their literature and conversation, be admitted by the presbytery unto the exercise and function of the ministry in any parish within this kingdom, shall, without a presentation, by virtue of their admission,” have right to all the fruits of the benefice; and concludes with recommending to the next General Assembly, “to condescend upon a certain standing way for being a settled rule therein for all times coming.”

What heartfelt thanksgivings would ascend to the throne of grace from the great body of the religious people of Scotland, if the Lord should put it into the hearts of our legislators now to pass such a law!

The following is the Directory adopted by the Assembly, in accordance with the recommendation of this Act of Parliament:—

“1. When any place of the ministry in a congregation is vacant, it is incumbent to the presbytery, with all diligence, to send one of their number to preach to that congregation, who, in his doctrine, is to present to them the necessity of providing the place with a qualified pastor, and to exhort them to fervent prayer and supplication to the Lord, that He would send them a pastor according to His own heart: As also, he is to signify that the presbytery, out of their care of that flock, will send unto them preachers, whom they may hear; and, if they have a desire to hear any other, they will endeavour to procure them an hearing of that person or persons, upon the suit of the elders to the presbytery.

2. Within some competent time thereafter, the presbytery is again to send one or more of their number to the said vacant congregation, on a certain day appointed before for that effect, who are to convene and hear sermon the foresaid day, which being ended, and intimation being made by the minister, that they are to go about the election of a pastor for that congregation; the session of the congregation shall meet and proceed to the election, the action being moderated by him that preached; and if the people shall, upon the intimation of the person agreed upon by the session, acquiesce and consent to the said person, then the matter being reported to the presbytery by commissioners sent from the session, they are to proceed to the trial of the person thus elected; and finding him qualified, to admit him to the ministry in the said congregation.

3. But if it happen that the major part of the

congregation dissent from the person agreed upon by the session, in that case the matter shall be brought unto the Presbytery who shall judge of the same; and if they do not find their dissent to be grounded on causeless prejudices, they are to appoint a new election in manner above specified. 4. But if a lesser part of the session or congregation show their dissent from the election, without exceptions relevant and verified to the Presbytery, notwithstanding thereof, the Presbytery shall go on to the trials and ordination of the person elected; yet all possible diligence and tenderness must be used, to bring all parties to an harmonious agreement. 5. It is to be understood that no person under the censure of the kirk, because of any scandalous offence, is to be admitted to have hand in the election of a minister. 6. Where the congregation is disaffected and malignant, in that case the presbytery is to provide them with a minister."

The bearing of this Directory upon the views then entertained by the church of popular election, we will afterwards consider; and in the meantime we would investigate its bearing upon the subject of non-intrusion,—premising that there is a very strong presumption that it must have been intended to give the congregation a negative, since this was so clearly and expressly required in the Act of Parliament on which it was founded. It is plain that in this Directory there is a clear and palpable distinction made between the congregation as such, or a majority of them, and a minority. If the minority object to the person "agreed upon by the session," it is provided that they must give in "exceptions, relevant and verified, to the presbytery," whereas there is no such provision when the majority dissent. There is thus a clear recognition of the congregation, or what is of course the same thing in case of a difference of opinion, the majority, as possessed of rights and influence which do not belong to a minority. Now, this general principle strikes at the root of the views of our opponents, who do not recognise any rights as belonging to the congregation as such, or to a majority of them, which are not equally enjoyed by a minority or by a single individual,—the result depending wholly, according to their scheme, upon the judgment which the presbytery may form and pronounce upon the intrinsic validity and truth of the exceptions, whether urged by one or by all. Our opponents have been greatly puzzled to account for the palpable and manifest distinction between the

case of a majority and of a minority which is made in the Directory.

The most plausible attempt to explain this distinction, in consistency with the right of the presbytery to intrude, is that given by Lord Corehouse, and adopted by Mr Robertson. It is in substance this,—that the dissent by a majority afforded *prima facie* evidence of there being good and valid objections, and that therefore in this case the presbytery were to *delay* proceeding in the settlement, to give time to the majority to substantiate their objections; whereas, if only a minority dissented, there was not a *prima facie* case, and unless they *instantly* verified their objections, the presbytery was immediately to proceed with the settlement. Now, this is evidently a mere hypothesis got up to serve a purpose, and having no foundation in the words of the Act; and it is all the more unreasonable, because the dissent even of the minority, accompanied with a statement of relevant objections, ought, upon every ground of common fairness, and even upon the principles of our opponents, to have stopped the settlement until full time was given for investigation. As Mr Robertson has quoted from Lord Corehouse on this point, we shall quote the counter statement of Lord Moncreiff, which we regard as unanswerable:—"I should have thought it impossible to misapprehend this Act, in the material part as to the necessity of a consent express or implied of a majority of the congregation, however to be defined—subject only to one qualification reserved to and laid on the church itself. It will not do to look at the clause as to the majority dissenting by itself, and reason on it as if it stood alone. Quite decidedly, there is a rule given for a case of dissent by the majority, distinguished from that of a minority dissenting. The only question is, What the distinction is? But the antithesis, manifestly, is not on time, but on the fact of a majority, or a minority, dissenting—and the consequence laid down in each case. Why is this distinction taken? If, in all cases, the dissenters were to lodge and verify good reasons, why distinguish the one case from the other? There must be a difference. But not a word is said of the time of the presbytery judging—nothing of the proceeding being stayed in the one case more than in the other.—But, in reality, the important point is, that the provision as to the majority dissenting changes the *onus probandi*. In the other case of a minority dissenting, objections relevant and

proved are necessary. In this case, no such objections or proof is required. It is laid on the presbytery to say positively, whether they can find that it is causeless prejudice; and it is evidently not meant that the majority must give in reasons, or prove any objections relevant in themselves for rejecting the presentee. The matter to be taken to the presbytery in that case, is simply the fact that a majority dissent; they are to judge of that, as in the previous case of all the congregation assenting or not objecting. And the purposes for which the matter is to be so taken to the presbytery are apparent. 1. To judge of any question as to the fact of there being a majority dissenting; 2. To consider and inquire whether it proceeds from causeless prejudice, not by requiring special exceptions or proof, but by simple communing, that the prejudices may be removed, or, if ascertained to be causeless, the dissents may be so far overruled; but, 3. That all diligence may be used to bring about harmony, whether the dissatisfaction appears to proceed from causeless prejudice or not.—It is in vain, with this standing in the Acts of the Assembly, to say that the idea of a negative by a majority, as a test of the congregation consenting or not, is a thing never heard of before. Take it with the rule of non-intrusion, which is express in the Act of the Estates: The dissent of the majority proves intrusion, unless it be shown positively that it arises from causeless prejudice. Suppose, then, that the Act 1834 had been the same. To make it so would have required no change, but substituting the patron for the session, and the not finding it causeless prejudice for the solemn declaration. The arguments of the pursuers against it would be nearly the same as they are now. Indeed, the presbytery could scarcely have found it to be causeless prejudice, if the persons solemnly stated what is in the declaration of the Act 1834. That declaration may be imagined to be nugatory. But a case has actually occurred, in which a majority dissented, and certain of the persons dissenting would not take the declaration, and the presentee was settled.”\*

We admit that the provision about “causeless prejudices” implies, that in the presbytery’s judging of the matter when the majority dissented, there was comprehended some dealing with the people as to the grounds and reasons of their dissent. But there is nothing in this, as we have shown, inconsistent with the prin-

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\* Auchterarder Report, pp. 323, 324.

ciple of non-intrusion. It is to be observed that the article in the Directory where this provision occurs, consists substantially of an astringing clause, requiring the presbytery to appoint a new election, "if they do not find the dissent to be grounded on causeless prejudices," but that there is no provision as to what they are to do,—no order to proceed with the settlement, if they do find it to be grounded upon causeless prejudices. It may be said, indeed, that this is implied; but still the omission of a provision and an order to this effect, is important, and the more so, if we attend to what may seem to be implied under the expression, "causeless prejudices." The most natural and proper import of the expression, and that which in all probability was intended, is, prejudices founded upon facts or circumstances which turned out to have had no existence, and such as in general might be expected to be entirely removed from the people's mind upon inquiry and explanation, so that they would withdraw their dissent. Suppose that, when a majority dissented, they told the presbytery that their dissent was founded solely upon a report which had been circulated among them as to something alleged to have been said or done by the presentee, it would then be the duty of the presbytery, not at once to reject the presentee, but to inquire into the truth of the report; and if the report, upon full investigation, turned out to be groundless, the result might in general be expected to be that the people would be satisfied, and would withdraw their dissent. This we regard as a fair specimen of what was, in all probability, contemplated by the provision about causeless prejudices; and there is nothing in this process inconsistent with the principle of non-intrusion,—nothing that gives any countenance to the idea, that if the majority of the congregation had come forward and declared, as they do substantially, if required, under the Veto Act, that their dissent was founded upon a consideration of the gifts of the presentee, and a regard to the spiritual welfare of the congregation, the presbytery were entitled to set the dissent aside, and to proceed to intrude. Causeless prejudices were such as, it might be fairly expected, would ordinarily be removed by inquiry and explanation; and this probably was the reason why, while there is an express provision as to what the presbytery are to do in case they *do not* find the dissent to be grounded on causeless prejudices,—namely, appoint a new election,—there is no express provision in case they find that it is grounded upon causeless prejudices, it



being assumed that in such cases the result would generally be, that the people would be satisfied, and withdraw their dissent.

It is possible, though not probable, that cases might occur in which, when the report on which the dissent was avowedly founded, was investigated, the presbytery might be satisfied that it was groundless, but the people might not, and still refused to withdraw their dissent. Now, our opponents must concede to us, that in this case there is nothing in the Directory authorizing or requiring the presbytery to proceed with the settlement,—nothing like the odious astringing clauses in the last section of Lord Aberdeen's Bill,—nothing to preclude them from coming to the conclusion, that since the majority still dissented under the influence of an inveterate prejudice, it was not for edification that the presentee should be settled, and then appointing a new election. We admit that there is nothing in this Directory which expressly precludes them, in the case supposed, from proceeding with the settlement; but we maintain, that from the general spirit of the Act, especially from the manifest distinction made between the majority and the minority, and from the general principle of non-intrusion embodied in the Second Book of Discipline, and declared by the Assembly of 1638, it would ordinarily have been their duty to refuse induction.

We admit, also, that in the case of such a prejudice as we have supposed, instances might occur in which the people manifested openly such a spirit, or acted in such a way, as fairly to subject themselves to the exercise of discipline, and even to such an extent as to render it warrantable to suspend them for a time from the ordinary privileges of church membership; and then the case would come substantially under the same category as is provided for by the sixth article, when "the congregation is disaffected and malignant;" but there is nothing in all this that is inconsistent with the principle of non-intrusion.

We do not hesitate to confess that we dislike this vague provision about "causeless prejudices," as being very apt to be abused as a pretence for clerical tyranny and domination; but when we consider that it is so vague and indefinite,—that it seems to contemplate cases in which there was a moral certainty that the people would ultimately be satisfied, and would withdraw their dissent,—and that there is no express provision as to what is to be done in case the presbytery find that the dissent is founded upon causeless



prejudices, we cannot regard it as neutralizing or explaining away the principle that is manifestly involved in the general scope and substance of the Directory,—namely, that while the minority are required to bring forward exceptions, relevant and verified, the dissent of the majority may, as a general rule—as the ordinary practice—exclude the nominee of the session without the necessity of substantiating specific objections to the satisfaction of the presbytery.

When, then, we carefully consider this Directory in its substance and spirit, and regard it in connection with the existing laws of the church, and with the Act of Parliament on which it was grounded, we think ourselves warranted to conclude that it does distinctly sanction the great principle on which the Veto Act is based, by recognising the right of a congregation, or the majority of it, to prevent a minister being thrust upon them against their will, without requiring them to substantiate objections to the satisfaction of the presbytery.

This view of the import of the Directory of 1649 is very decidedly confirmed by an important article of evidence, of a collateral kind. Baillie, in his account of the discussions out of which this Directory originated, says:—"The most of us were in Mr Gillespie's mind, in his *Miscellanies*, that the direction was the presbytery's, the election the session's, and the consent the people's."\* Here is a distinct declaration—first, That the great body of the Assembly of 1649 entertained the views upon this subject which are put forth in Gillespie's *Miscellanies*; and, secondly, That the Directory was intended to carry, substantially, Gillespie's views into effect. Now, it is notorious that Gillespie, in his *Miscellanies*,† strenuously maintains the necessity of the people's consent, in the sense of their having a full and absolute negative upon the nomination, without being required to substantiate objections to the satisfaction of the presbytery; and that he distinctly puts the principle of our opponents as an objection to his own, and formally and zealously argues against it.

This chapter, indeed, of the *Miscellanies*, contains the earliest formal discussion of this precise point with which we are acquainted. No evidence can be produced that the views of our opponents had, at that time, been broached in Scotland, or were entertained by any of the ministers of our church; but we have

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\* Baillie's *Letters*, vol. ii. p. 340.

† C. ii.

already seen that they had been adopted in substance by some of the English Presbyterians, and this was probably the reason why Gillespie formally argued against them. His *Miscellanies*, indeed, principally consist of exposures of erroneous doctrines upon a variety of subjects which had been broached in England, during his attendance at the Westminster Assembly. After having established the necessity of the people's consent, he proceeds to consider objections that had been, or might be, brought forward against his views. His answer to one of these objections,—one very much insisted upon in our own day by Dr Muir and Mr Tait,—we quoted formerly in the *Strictures*.\*

Another objection he thus puts,—“The church's liberty of consenting or not consenting, asserted by the arguments above mentioned, must ever be understood to be rational, so that the church may not disassent without objecting somewhat against the doctrine or life of the person presented.”† In answer to this objection, he first shows, that upon the principle on which it proceeds, no more power or liberty is left to the people than what Papists and Prelatists have conceded to them, and he then proceeds with additional answers as follows:—“3. As the vote of the eldership is a free vote, so is the congregation's consent a free consent, and the objection holdeth no more against the latter than against the former; for they are both jointly required by the Church of Scotland, as appeareth by the citations foresaid. 4. Any man (though not a member of the congregation) hath place to object against the admission of him that is presented, if he know such an impediment as may make him incapable either at all of the ministry, or the ministry of that church to which he is presented; so that unless the congregation have somewhat more than liberty of objecting, they shall have no privilege or liberty but that which is common to strangers as well as to them. 5. Though nothing be objected against the man's doctrine or life, yet if the people desire another better, or as well qualified, by whom they find themselves more edified than by the other, that is a reason sufficient (if a reason must be given at all), and it is allowed by Danæus on 1 Tim. v. 22, and by the First Book of Discipline in the fourth head. 6. It being condescended upon in the Parliament of Scotland, that his Majesty, with consent and

\* P. 32.

† P. 11 (Ogle's Edition).

advice of the Estates, should nominate the officers of estate, the Estates of Parliament were pressed to give a reason of their dissenting from his Majesty's nomination, but they refused; and I am sure, consenting or not consenting, in a matter ecclesiastical, ought to be as free, if not more free, than in a matter civil."

This explicit testimony of Gillespie himself, in favour of our principles, and in opposition to those of our opponents, we reckon very valuable; for we regard him as being, upon the whole, the one of all the great men that adorned our church at that memorable era, whose opinion upon such a subject is entitled to the highest respect. Though the youngest of the Commissioners sent to the Westminster Assembly, he seems to have acted the most distinguished part in all the discussions connected with ecclesiastical government. Baillie, in one of his Letters,\* bears the following testimony regarding him, which is equally honourable to both parties:—"Mr G. Gillespie, however I had a good opinion of his gifts, yet I profess he has much deceived me. Of a truth, there is no man whose parts in a public dispute I do so admire. He has studied so accurately all the points ever yet came to our Assembly; he has gotten so ready, so assured, so solid a way of public debating, that however there be in the Assembly divers very excellent men, yet in my poor judgment, there is not one who speaks more rationally and to the point than that brave youth has done ever."

But important as the testimony of such a man is in itself, its bearing upon the present controversy depends chiefly upon the assertion of Baillie, that the great body of the Assembly of 1649 concurred in the views which he has so explicitly stated and so zealously supported; and that the Directory was intended to be in accordance with them. We regard this as conclusive evidence, that the Directory of 1649 was intended to embody the fundamental principle of the Veto Act.

Having disposed of the Directory of 1649, so far as concerns its bearing upon the principle of non-intrusion, let us now consider it in its bearing upon the subject of popular election. Mr Robertson triumphs in the idea that this Directory makes "it evident, even on the first showing, that the Assembly of 1649 entertained, as a whole, views decidedly adverse to popular election." We may

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\* Vol. i. p. 451.

consider this statement in connection with the account given by Baillie, and so often quoted with great triumph by the defenders of patronage, as to the difference of opinion that prevailed among the leading men of the church, in the consultations about the preparation of the Directory. Baillie's statement is this :—" We had the greatest debate for an act of election of ministers. Mr David Calderwood was peremptory that, according to the Second Book of Discipline, the election should be given to the presbytery, with power to the major part of the people to dissent, upon reason to be judged of by the presbytery. Mr Rutherford and Mr Wood were as peremptory to put the power and voices of election in the body of the people, contradistinct from their eldership ; but the most of us were in Mr Gillespie's mind, in his Miscellanies, that the direction was the presbytery's, the election the session's, and the consent the people's. Sundry draughts were offered. Mr Wood's, most studied, was refused ; Mr Calderwood's also. Mr Livingston came nearer our mind, yet was laid aside. Mine came nearest the mind of all, and almost had passed ; but for avoiding debate, a general confused draught (avoiding, indeed, the present question, but leading us into so many questions thereafter as any pleased to make) passed with my consent. But Mr D. Calderwood and Mr John Smith reasoned much against it in the face of the Assembly."\*

Now this passage of Baillie was evidently written under a feeling of mortification at the failure of his own draught ; and, besides, it was written, as he tells us, from memory, about six weeks after the discussion had taken place, so that it cannot be implicitly depended upon, as a precisely accurate account of the minute differences of opinion started in the course of a lengthened discussion. His account of the opinion of Rutherford and Wood seems to imply that they excluded the elders from any share in the election ; and if this was his meaning, then he certainly misrepresented their views. We do not mean to call in question the substantial accuracy of the statement, so far as concerns the leading features of the discussion ; but we cannot regard it as affording authentic evidence of the precise opinions entertained by the different parties, if there be reason upon other grounds to suspect it of inaccuracy. Of course, they were all decidedly anti-patronage men ; and it is plain, even from Baillie's statement,

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\* Vol. ii. pp. 339, 340.

viewed in connection with what has already been proved, that they were all non-intrusion men, except Calderwood. Calderwood, however, was now seventy-four years of age, and, as we learn from Baillie, displayed on this and former occasions, the infirmities of old age, both in talent and in temper. And it is certain, that in his great work, "*Altare Damascenum*," published twenty-six years before, when he was in all the strength and vigour of his faculties, he maintained principles inconsistent with those here ascribed to him; so that we must either regard Baillie's account of his views as erroneous, or set the opinion of his manhood against the opinion of an enfeebled old age. We are convinced that there was no such material difference of opinion among the leading men of this period as Baillie's statement might lead a man who knew nothing more of the matter to suppose, and that substantially they were all of them asserters of the right of the people to the choice of their own ministers.

A strong presumption that there was no material difference among them in principle, is to be found in the facts,—that none of them but Calderwood and Smith, not even Rutherford and Wood, opposed the Directory when it came before the Assembly,—and that Calderwood was the only man who protested against its adoption.

That they had all asserted the right of the people to choose their own ministers, can be fully proved from their writings. In regard to Rutherford and Wood, this is well known and universally admitted, and we need not therefore produce any quotations to establish it.

We have Calderwood's mature and deliberate judgment upon this subject in his "*Altare Damascenum*," published in 1623, when he was forty-eight years of age:—"Facultas eligendi pastores tradita est Ecclesiæ; si facultas, etiam facultatis exercitium." "In Ecclesia prima primitiva, id est Apostolica, electio tum pastorum tum aliorum ministrorum Ecclesiæ erat penes ecclesiam, Act i. 23, vi. 5, xiv. 23. Et collectis viritim suffragiis electi erant legati ad eleemosynas preferendas ad exterarum Ecclesiarum, nedum illi qui ad graviora et sacriora munera destinabantur, 2 Cor. viii. 19." In answer to the objection that popular election produced tumults and disturbances, and that therefore it was well that the nomi-

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\* Pp. 6, 7, 240, 241, 243, 440, of edition 1708.

nation had been transferred to the civil power, he says,—“*Pii principis est coercere tumultus, non tollere libertates; curare, ut omnia fiant ordine et decenter, non obtrudere pastores invito gregi.*” “*Possunt Pastores plebem dirigere, ad pacem placidis monitis revocare: et Magistratus potest in ordinem cogere. Potest illa vice plebs libertate sua mulctari, devolvendo electionem ad majorem conventum Ecclesiasticum. Possunt et alia media in hujus mali remedium excogitari. Sed quòd libertas, quam Christus sponsus Ecclesiæ sponsæ suæ tradidit, omnino tolleretur, sacrilegium est, rapina est.*”

Speaking of the practice of the primitive church, he says,—“*Nam ex supra allatis testimoniis patet populum proposuisse, nominasse, elegisse, decrevisse, designasse. Ipsam προβολήν, primam nominationem fuisse penes populum, supra audivimus. Siquando aliqui ad Episcopatum capessendum designati essent vel à Clero vel a Concilio, tamen populi suffragiis vel assensu unus erat electus. Si nominatio erat aliorum, electio erat populi, et contra, si nominatio erat populi, consensus et electio erat aliorum.*” “*Invitis Ecclesiis Episcopum non obtrudendum communis sensus docet, ne (quoting and adopting as his own the well-known words of Pope Leo, which are manifestly inconsistent with intrusion) plebs invita Episcopum non optatum aut contemnat aut oderit, et fiat minus religiosa quàm convenit, cui non licuerit habere quem voluerit.*” And again, in asserting that this divine right of the people to choose their own ministers is inalienable, he says,—“*Non possunt transferre jus illud, et præsertim jus perpetuum et quasi hæreditarium electionis in Concilium Nationale, multo minus in Principem. Est enim, ut ait Cartwrightus, jus electionis libertatum illarum pars, quam Christus acquisivit sanguine suo, quamque in alium transferre non licet, aut alienare, magis quàm hæreditatem regni cœlorum, cui annexa est.*” And, lastly, he makes it a decided objection to the system that prevailed in the Church of England, that ministers were appointed “*ad ordinem ipsum Presbyteratus absolutè et absque titulo; ad beneficium seu certum ministerii locum, per præsentationem, institutionem, collationem, inductionem, non autem per electionem vel consensum Ecclesiæ cui præponuntur, aut Presbyterii examen.*”

No man, after reading these quotations, can entertain a doubt that Calderwood, when in the full vigour of his faculties, strenuously asserted the scriptural or divine right of the people to choose

their own ministers,—the necessity of their consent,—and the sinfulness of intruding ministers upon reclaiming congregations. And in discussing these points he was contending only with Episcopalians, while no evidence can be produced that at that time any one of his Presbyterian brethren would have dissented from any of his statements.

Gillespie had been Moderator of the Assembly of 1648, but died before the Assembly of 1649 met, and, in the meantime, his *Miscellanies* had been published. As Baillie tells us that most of that Assembly agreed with his views as explained in his *Miscellanies*, and that the Directory was intended to accord with them, it may be proper to consider more particularly what principles he held upon this subject. In his “Dispute against the English Popish Ceremonies obtruded upon the Church of Scotland,” he says,\*—“The right of election pertaineth to the whole church, which, as it is maintained by foreign divines who write of the controversies with Papists, and as it was the order which this church prescribed in the Books of Discipline, so it is commended unto us by the example of the apostles and of the churches planted by them;” and he then goes on to quote and comment upon the texts on which Protestant divines have usually founded this right of the people to elect. Again, “From that which hath been said, it plainly appeareth that the election of ministers, according to the apostolic institution, pertaineth to the whole body of that church where they are to serve; and that this was the apostolic and primitive practice, is acknowledged even by some of the Papists. . . . That in the ancient church, for a long time, the election of ministers remained in the power of the whole church, or congregation, is evident. The testimonies and examples themselves, for brevity’s cause, I omit. As for the 13th canon of the Council of Laodicea, which forbiddeth to permit to the people the election of such as were to minister at the altar, we say, with Osiander, that this canon cannot be approved, except only in this respect, that howbeit the people’s election and consent be necessary, yet the election is not wholly and solely to be committed to them, excluding the judgment and voice of the clergy. And that this is all which the council meant, we judge with Calvin and Gerhard. . . . Indeed, if the whole matter were altogether left to the people, contentions and confu-

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\* Pp. 162, 163 (Ogle’s Ed.).



sions might be feared. But while we plead for the election of the people, we add, 1. Let the clergy of the adjacent bounds, in their Presbyterial Assembly, try and judge who are fit for the ministry; thereafter, let a certain number of those who are by them approven as fit, be offered and propounded to the vacant church, that a free election may be made of some one of that number;—providing always, that if the church have any real reason for refusing the persons nominate and offered unto them, and for choosing of others, their lawful desires be herein yielded unto. 2. Even when it comes to the election, yet (as Junius says), ‘*Populus non solus judicasset præeunte et moderante actionem clero et presbyterio*’—Let the elders of the congregation, together with some of the clergy concurring with them, moderate the action, and go before the body of the people.”\*

Gillespie did not regard these provisions as inconsistent with the great principle which he had so explicitly asserted, of the right of the people to choose their own ministers; and, accordingly, he immediately added these words:—“Would to God that these things were observed by all who desire the worthy office of a pastor; for neither the patron’s presentation, nor the clergy’s nomination, examination, and recommendation, nor the bishop’s laying on of hands and giving of institution, nor all these put together, can make up to a man his calling to be pastor to such and such a particular flock, without their own free election.” He afterwards says, “Not that we think a man presented to a benefice that hath *curam animarum* cannot be lawfully elected; but because of the often and ordinary abuse of this unnecessary custom, we could wish it abolished by princes.”

The last remark is important, as illustrating the principles on which men may condemn patronage as a system and testify against it, while they themselves have received a presentation from a patron. Gillespie evidently thought, that even along with patronage and presentations, there might be, in many cases, the substance of what was needful to constitute lawful election,—namely, such an expression of desire for the appointment of a particular person or such a consent, as the Scriptures show it to be the right of the Christian people freely to give or withhold; and, in such instances, the presentation of the patron is a mere accompanying circum-

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\* P. 164 (Ogle’s Ed.).

stance, the proper effect of which is to give a legal claim to the fruits of the benefice, but which does not otherwise materially affect the process, or deprive it of anything necessary for laying the foundation, in a scriptural way, of a pastoral relation. We think that no man who holds scriptural views of the pastoral relation and of the rights of the people, should, in ordinary circumstances, enter upon the pastoral office, unless he has reason to believe that the people desire to have him, or at least are willing to receive him. But when such a state of mind and feeling exists towards him on the part of the people, as would have virtually made him, with the concurrence of the presbytery, minister of that congregation, had no right of patronage existed, then we cannot see that there is any ground for scrupling on account of the accompanying circumstance of the presentation and its acceptance, or for doubting that he may honestly and consistently testify against patronage as an unlawful and sinful system. The objection to patronage, *as a system*, is, that it introduces into the regulation of ecclesiastical affairs, a scheme and influence not warranted by the word of God, and therefore, on Presbyterian principles, unlawful; and that it vests in men, upon a merely secular ground, a power which they may, and often do, exercise for the purpose of obstructing or excluding the arrangements which Christ has made for the settlement of ministers. This is the general character of patronage as a system; and therefore, as a system, it ought to be denounced, and every effort should be made to secure its abolition. But it does not by any means follow, that, as Gillespie says, "a man presented to a benefice" may not also "be lawfully elected;" that everything may, in many cases, be found which is necessary to constitute a lawful vocation, while yet *the system* may, and should, be denounced as altogether unwarranted, and as vesting in men a power which may enable them, if they choose, to interfere with lawful election, and to exclude the fair operation of the principles which Christ has revealed regarding it. There may be lawful elections where the right of patronage exists, and every man is bound to see that in his own case there be the substance of what is necessary to constitute lawful election; but—to use Gillespie's idea—"because of the often and ordinary abuse" of this right in the way of preventing or obstructing a lawful election, it ought, *as a system*, to be denounced and abolished.

It is gratifying to the anti-patronage men of the present day to find that the principles on which they act were sanctioned by so high an authority.

Let us now show that Baillie himself has asserted the right of the people to choose their own ministers. In a passage formerly referred to for a different purpose, contained in the first part of his "Dissuasive from the Errors of the Time," published in 1645, he says,—“They (the Independents) thus reason,—‘Whoever do elect the officers, they have power to ordain them, and, upon just cause, to depose and excommunicate them. But the people do elect their officers. Ergo.’ Answer. The *major* is denied, for, first, Election is no act of power. Suppose it a privilege, yet there is no jurisdiction in it at all; but ordination is an act of jurisdiction, it is an authoritative mission, and putting of a man into a spiritual office. The people, though they have the right and possession by scriptural practice of the one, yet they never had either the right or possession of the other. Secondly, Suppose the maxim were true, whereof yet I much doubt, unless it be well limited, *ejus est destituere cujus instituere*, that they who give authority have power to take it back again; yet we deny that the people who elect give any authority or office at all; their election is, at most, but an antecedent *sine quo non*; it is the presbytery only who, by their ordination, do confer the office upon the elect person.”\*

In connection with this explicit testimony of Baillie, that the people “have the right and possession, by scriptural practice,” of the election of their ministers, it is important to notice that, by his own account, the only modification which he wished of the Directory of 1649 was, “that the presbyteries ought to recommend to the session men to be elected, without prejudice to their liberty to add whom they think fit;” and this he manifestly did not think inconsistent with the session’s right to elect, any more than Gillespie thought the presbytery’s recommending men to the congregation inconsistent with the people’s right to elect.

We are not aware of any very explicit declaration of Livingston’s on popular election; but the circumstance that he was a Protester, makes it highly probable that, upon this subject too, he agreed with Rutherford and James Guthrie, especially as we

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\* Pp. 194, 195.

find that he was associated with them in the application made to Parliament on this occasion for the abolition of patronage. From these extracts it is manifest, that these men must either have entirely changed their views upon the subject of popular election, or else that they regarded the Directory of 1649 as not being really and in substance inconsistent with it. The first of these suppositions is very unlikely, while a great deal may be advanced in favour of the second.

We have already seen, that Calvin and Beza were accustomed to speak of the consent of the people as being substantially the same thing with their election; and the statement is true of the great body of the Reformers. The latter Confession of Helvetia, which was approved of by most of the Protestant churches, and which was formally sanctioned by the Church of Scotland in 1566, with the exception of the countenance it gives to a few anniversary holidays, thus states the doctrine of Scripture upon this important subject:—"Vocentur et eligantur electione ecclesiastica et legitima ministri ecclesiæ: id est, eligantur religiose ab ecclesia, vel ad hoc deputatis ab ecclesia, ordine justo, et absque turba, seditionibus, et contentione."\*

When ministers were chosen by persons deputed by the church for that purpose, or by a small body representing the congregation, such as a committee appointed by them, then, strictly speaking, the congregation would only give their consent to the proposal that might be made to them by their representatives, and would not formally elect; and thus this Confession, speaking the voice of the great body of the Protestant churches, while it distinctly asserts the principle of the right of the people to choose their own ministers, and thereby, of course, excludes the interference of any foreign or secular authority, does also plainly imply, that it mattered little, so far as principle was concerned, whether the election, properly so called, was made directly by the whole congregation or by a small body representing them,—the consent of the congregation to any nomination that might be made by the deputies being of course indispensable.

We have seen what was the formal provision upon this subject in the discipline of the Reformed Church of France. The Consistory had the initiative; but as the congregation were entitled

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\* Sylloge Confessionum, sec. 18, p. 68. .

to have the presentee set aside if “they were dissatisfied with him,” this practically secured, in ordinary cases, the substantial choice to the people; and accordingly, as we have seen, a church upon one occasion complained that “they were deprived of their freedom and privilege in elections.” And moreover, we find, that not only Calvin, who may be regarded as the founder of the Reformed Church of France, and Beza, who presided over one of its National Synods and subscribed its discipline, but most of the leading men who have adorned that church, have maintained the principle of the right of the people to the choice of their own ministers; whence it is plain, that they must have regarded their discipline as substantially providing for carrying this principle into effect; that what they contended for was a principle, and not a form; that they believed the essence of the matter, that which was alone indispensable, was the consent of the congregation; and that they saw and felt, that if all foreign and secular influence were excluded, and the principle of the necessity of the people’s consent were honestly acted upon, this was practically and substantially to give them, in general and ordinary cases, the election;—in short, that while they maintained the people’s right to choose their own minister, they admitted the propriety of laying down some regulations as to the mode in which that right should be usually exercised,—with the view, especially, of providing for the cordial and harmonious exercise of the respective functions of presbyteries and people in the calling of ministers.

The same general views also prevailed among the Reformers of our own church. The First Book of Discipline, while explicitly laying down the principle, “that it appertaineth to the people, and to every several congregation, to elect their minister,” also declares, that “the admission of ministers to their offices must consist in the consent of the people and church whereto they shall be appointed, and approbation of the learned ministers appointed for their examination.” There is no evidence that the Presbyterians of Scotland, after the death of John Knox, renounced the Protestant doctrine of popular election. There is every probability that Andrew Melville agreed with Beza in maintaining the right of the people to choose their own ministers. We have produced good ground for believing, that “the judgment of the eldership, and consent of the congregation,” in the Second Book of Discipline, were intended as substantially the same with “the

consent of the people and approbation of the ministers" in the First. There is reason to think that, under the Second Book of Discipline, while the presbytery might generally recommend men to vacant congregations, the ordinary practice was substantially tantamount to popular election. It is certain, that after the restoration of Presbytery in 1638, when the leading men in the church held the right of the people to elect, the ordinary practice was for the session to nominate, "with the consent and good-liking of the people;" which, in general, must have been virtually allowing the people to choose. And on all these grounds, we are surely entitled to conclude, that when the Assembly of 1649 embodied in a Directory what had previously been the general practice, though never sanctioned by a positive law, by giving the nomination or initiative to the session, and requiring the consent of the people, they did not intend to abandon the principle of popular election, which, there is reason to think, they generally entertained, and which the leading men among them had publicly asserted in their works, but that they meant merely to provide regulations as to the precise way and manner in which that right was to be actually exercised.

As the only parties who had ever, previously to 1649, been recognised by the standards and laws of the church, as entitled to interfere in the appointment of ministers, were the presbytery and the people, while yet we find, that after the restoration of Presbytery in 1638, the actual practice was for the session to have the initiative with the consent and good-liking of the people, it is plain that the session must have come gradually into the possession of this power, merely because they really were, and were usually regarded as being, the organs and representatives of the congregation,—a view that is all the more probable, because there is good reason to believe that the elders were then elected, as they ought to be, by the people. The Directory itself contains a plain enough indication that the elders were then usually regarded as the organs and representatives of the congregation, in the provision, "that if the congregation have a desire to hear any other preachers" than those appointed by the presbytery to supply the vacant pulpit, "they (the presbytery) will endeavour to procure them a hearing of that person or persons, upon the suit of the elders to the presbytery." Now, here it is the desire of the congregation to hear other preachers that is to be expressed, and that



is to be acted upon by the presbytery; but it is to be conveyed to the presbytery by the elders, who are thus manifestly recognised as the organs and representatives of the congregation; while, at the same time, the fact of the presbytery making intimation to the congregation, that “if they have a desire to hear other preachers, they will endeavour to procure them a hearing of them,” is of itself a virtual recognition of the substantial right of the people to choose their ministers. This idea is confirmed by the remark of Dr M'Crie, that the Directory “did not give to the session the formal election, but merely the nomination or proposal of a person to the congregation. ‘If the people, upon an intimation of *the person agreed upon by the session*, acquiesce and consent to the said person; then the matter being reported to the Presbytery by commissioners sent from the session, they are to proceed to the trial of *the person thus elected*.’”\*

Baillie states correctly the substance of the views which are set forth in Gillespie's “Miscellanies,” and which, he says, were generally entertained by the Assembly of 1649, and intended to be embodied in their Directory,—namely, that the direction (that is, a general power of superintending and moderating) was the presbytery's, the election the session's, and the consent the people's; but it is scarcely possible for any one to read the second chapter of this work with attention, without seeing that the general scope and spirit of it are decidedly favourable to the principle of popular election. What he professes formally to contend for is, that it is “necessarily required to the right vocation of a pastor, that he be freely elected by the votes of the eldership, and with the consent, tacit or expressed, of the major or better part of the congregation, so that he be not obtruded, *renitente et contradicente ecclesia*.”

But it is manifest that the tendency and bearing of all his leading arguments in support of this position establish, not so much the session's right to elect, as the people's,—not merely the right of the congregation to give or withhold their consent according to their own convictions, and on their own responsibility, but substantially to choose their own ministers. His first class of arguments in support of his position is derived from Scripture; and here, *first*, he refers to the election of the deacons in this way:—“The apostles themselves would not so much as make

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\* Patronage Report, p. 360.



deacons till all the seven were chosen and presented to them by the church." He then refers to Acts xiv. 23, in this way:—"Secondly, Elders, both ruling and preaching, were chosen by most voices of the churches, the suffrages being signified per *χειροτονίαν*, that is, by lifting up or stretching out of the hand." And after a full discussion of the import of the word *χειροτονία*, he concludes that the statement implies that Paul and Barnabas "ordained such men to be elders as were chosen by the church;" or, adopting the words of Calvin, "they two made or created elders, but the people declared, by lifted-up hands, whom they would have to be elders." His *third* argument from Scripture is this:—"If the extraordinary office-bearers in these primitive times were not chosen, nor put into their functions without the church's consent, far less ought there now to be any intrusion of ordinary ministers without the consent of the church." And under this head he refers, among other passages, to the election of Matthias, of whom he says, that he "was chosen by suffrage,—namely, of the hundred and twenty disciples." And he concludes this branch of the argument in the words of the Magdeburg Centuriators, who assert that it is proved by Scripture:—"Neque apostolos neque alios ecclesiæ ministros sibi solis sumpsisse potestatem eligendi et ordinandi presbyteros et diaconos, sed ecclesiæ totius suffragia et consensum adhibuisse."

He next refers to antiquity, and under this head he produces the ordinary passages which have been regarded by almost all but Papists and Prelatists as establishing, that in primitive times the people chose their own ministers. His next argument is derived "from the judgment of sound Protestant churches and writers." After quoting from several of the Confessions, he refers to many of the most distinguished Reformers and most eminent Protestant divines,—Luther, Calvin, Beza, Musculus, Zanchius, Junius, etc., etc.,—of almost all of whom the fact is unquestionable that they ascribed not merely consent, but also election, to the people, and at the same time used the word consent as substantially synonymous with election. Under this head he also quotes indiscriminately the First and Second Books of Discipline, the declaration of the Assembly of 1638, the extracts which we formerly quoted from "The Government and Order of the Church of Scotland," and the Acts of Parliament of 1640 and 1641, to which we referred.

Under the head of the concessions of adversaries, he refers to

two remarkable testimonies of Bishop Bilson and Dr Field, which we shall quote for the purpose of showing how much sounder principles upon this point have been held by learned Episcopalians than by the moderate Presbyterians of Scotland. Bilson, in his celebrated work on "The Perpetual Government of Christ's Church," thus writes:—"I acknowledge each church and people that have not, by law, custom, or consent, restrained themselves, stand free, by God's law, to admit, maintain, and obey no man as their pastor without their liking; and so the people's election by themselves, or their rulers, dependeth on the very first principles of human fellowships and assemblies; for which cause, though bishops, by God's law, have power to examine and ordain before any man be placed to take charge of souls, yet have they no power to impose a pastor upon any church against their wills, nor to force them to yield him obedience or maintenance without their liking."\* Dr Field, in his book, "Of the Church," quotes these very words of Bilson, and adopts them as his own; and after adducing the usual proofs, that the people, in primitive times, had the choice of their own ministers, he adds,—“By all which testimonies, we see what interest anciently the people had in the choice of their bishops, and how careful good bishops were that they should have none thrust upon them against their wills,—that they should proceed to election with one accord if it might be; or otherwise, that such should be ordained as were *desired* by the greater part, and that all things might be done peaceably and without tumult.”†

That Gillespie had not renounced, and did not mean to deny, the principle of the substantial right of the people to the choice of their own ministers, is proved by the fact, that he expressly declares it to be a sufficient reason for their dissenting from the nomination of the session, that “they desired another better, or as well qualified, by whom they find themselves more edified.”

All this fully proves, that unless Gillespie was an arrant fool, he must have still held, in substance, the principle of the right of the people to choose their own ministers; and if so, then we are warranted in believing also, that the Assembly of 1649 did not regard their Directory as involving a denial or renunciation of that principle.

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\* C. xv. pp. 339, 340.

† B. v. c. liv. pp. 688–9.

Mr Robertson, finding that Gillespie had said, in the Westminster Assembly, "He that is to be ordained, be not obtruded against the congregation, for the prelates are for obtrusion, the separation for a popular voting, *ergo*, let us go in a medium;" takes occasion to insinuate, "that his previous exertions in favour of popular election had not resulted from clear and well-matured views." Now, not to dwell upon the improbability that a man of Gillespie's talents and learning should have exhibited inconsistency and confusion on such a subject, we must remind Mr Robertson, that the same charge, and upon the same grounds, may be equally adduced against the leading Reformers, who, as we have shown, sometimes asserted the people's right to elect, sometimes the necessity of their consent; who evidently considered these statements as substantially synonymous; and who do not seem to have regarded the vesting the initiative in a small body representing the congregation, as essentially inconsistent with the principle of the right of the people to elect, but merely as a lawful provision as to the mode of its ordinary exercise.

Calvin, who, as we have seen, asserted the divine right of the people to choose their own ministers, said also, in giving a compendious statement of this matter,—"*Sic igitur fert vera ratio, et Dei mandatum, ut nemo se temere ingerat, nec privatus quisque sibi Pastoris munus usurpet. Sed ut Pastorum judicio electus, et gregi oblatus ipso consentiente approbetur.*" \*

Beza, who also asserted the right of the people to choose their own ministers, subscribed the discipline of the Reformed Church of France; and so in many other instances which might be adduced. No evidence can be brought to prove, that down till the period of the abolition of patronage, in 1649, the two Books of Discipline, both of which Gillespie quotes in support of his views, were understood to contain principles substantially different upon this point. So general—we might say, so universal—a practice in regard to the mode of stating or representing this matter on the part of such men, could not arise from confusion or inconsistency. But it is not necessary for our present purpose, to vindicate the consistency and accuracy of their statements. As we are merely inquiring into the question, what the views of the church at this period were, it is enough to prove, that they did not see or think

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\* *Epist. et Resp.*, p. 87.

that these different statements were inconsistent with each other. And upon this ground, we think we have said enough to prove, that neither Gillespie, in putting forth the views which are advocated in his "Miscellanies," nor the leading men of the Assembly of 1649, in preparing the Directory, intended to renounce the principle of popular election, but merely meant to regulate the precise way in which the acknowledged right of the people to the substantial choice of their own ministers was to be exercised in practice. Had anything more than this been supposed to be intended or implied in the Directory, assuredly Rutherford and Wood would have argued against it in the face of the Assembly as well as Calderwood.

But the truth of this view of the matter is put beyond all doubt, by the fact, that in the dispute which soon after broke out between the Resolutioners and Protesters, both parties asserted or admitted the right of the people to choose their own ministers. The Protesters, indeed, were accused—and apparently with justice—of sometimes intruding ministers upon congregations, on the ground that they were acting in accordance with the wishes of the more godly party; although it is proper to mention, that they professed to disregard the opposition of those only who they thought had justly exposed themselves to ecclesiastical censures. We have nothing, however, to do, in our present argument, with their practical inconsistencies, real or alleged, but only with their professed principles; and it will not, we presume, be denied that the Protesters, of whom Rutherford and James Guthrie were the leaders, asserted the principle of the right of the people to choose their own ministers. But the same is true, also, of the Resolutioners. This appears from various statements contained in the work called "Review and Examination of a Pamphlet, entitled Protesters no Subverters, and Presbytery no Papacy."\* We do not quote the statements referred to, as they rather assume than assert the people's right to choose their ministers, and thus do not serve the double purpose of many of the quotations we have brought forward,—namely, of at once showing what were the views held by the authors, and also illustrating the truths which they maintained. The statement we have made as to the views entertained upon this point, both by Protesters and Resolu-

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\* Especially pp. 15, 24, 26.

tioners, will not, we think, be questioned. The work to which we have referred, written in the name of the Resolution party, is commonly ascribed to Wood, who was a decided advocate of popular election.

It thus appears that the leading men of the church, who were concerned in the preparation of the Directory of 1649, held, both before and after that occasion, the right of the Christian people to choose their own ministers; from which, we think, this inference certainly follows, that the Directory was not understood by those who framed it to involve a denial or renunciation of that principle. It may, indeed, be true that some of the leading men connected with the preparation of the Directory were the more disposed to bring under regulation the actual exercise of this right of the people by giving the initiative to the session, and even to modify somewhat their ordinary mode of speaking upon this subject, in consequence of the extravagant assertions about the supreme and uncontrolled power of the people in all ecclesiastical affairs, which had been put forth by the Independents—although it is gratifying to observe, that neither Rutherford nor Wood, who took a very prominent part in opposing Congregational principles, gave any symptoms of yielding to this too common influence of controversy; but no evidence has been, or can be produced, that the Church of Scotland, or any of its leading men, had, up till the period of the Restoration, renounced or abandoned the great Protestant doctrine taught in the First Book of Discipline, that “it appertaineth to the people, and to every several congregation, to elect their minister.”

It is enough, as has been said, for the purpose of our present argument, when we are merely inquiring into the matter of fact, as to the views which the church at this time entertained, to prove that the Assembly of 1649 did not regard the Directory as containing or implying a renunciation of the principle of popular election; but as we have found a remarkable similarity in the general mode of statement adopted upon this subject by the most eminent Protestant divines, and as it has, therefore, probably some foundation in the nature and grounds of the case, and may also illustrate the views of the anti-patronage men of the present day, we think it proper to give some farther explanation of the matter, and would request attention to the following observations:—

1. It is not contended that the Scripture gives anything like a *directory* for the election of ministers, but merely that it sanctions some general principles that ought to regulate this matter. On this ground, it is easy to understand how men, who in the main agree in their views of what Scripture sanctions upon this subject, may differ as to the propriety and expediency of certain practical arrangements; and how men who, upon the whole, prefer a somewhat different plan, may yet concur in a variety of arrangements as to the details, provided the leading principles, which alone the word of God establishes, be substantially maintained. The great problem to be solved is to settle, in the words of the Act of Assembly 1645, “the distinct rights of presbyteries and people in the calling of ministers.” The Church of Scotland, for a century and a half after the Reformation, was unanimously of opinion, that no party ought to be allowed to interfere in the calling of ministers, except the presbytery and the people; and this is certainly a scriptural principle. But it has never been, and is not now, contended, that there are materials in Scripture for settling in detail the precise place and influence which the presbytery and the people ought respectively to possess; and it is not alleged that there is anything in Scripture to render it unlawful for the people usually to exercise their right in this matter by representatives or commissioners. The leading outlines of the place that ought to be occupied by the presbytery and the people, in the appointment of ministers, may be clearly enough traced in the sacred Scriptures; but the details cannot be established by satisfactory evidence. A difference about details not clearly determined in Scripture, is a very different thing from a difference about principles which rest upon scriptural authority. It is for this reason that the divines who have discussed this subject have not always thought it necessary to restrict themselves to a definite and uniform mode of speaking in regard to it; and it was on this account that Rutherford and Wood, while they would have preferred giving to the people greater prominence in the election of ministers than the Directory of 1649 formally assigned to them, did not hold themselves bound to protest against it in the Assembly.

2. The Protestant Reformers of our own country, and of the Continent, made a distinction between what was precisely the right mode of appointing ministers, and what was necessary or essential to the substance of a lawful election; and in this the

anti-patronage men of the present day agree with them. They thought, and so do we, that the right mode of appointing ministers is, that the congregation should select their pastor from among those declared to be qualified by the church courts. They rested this doctrine upon such grounds as these,—that no single individual, and least of all, one who has only a secular qualification, has a right to exercise any independent authority in the nomination of ministers; and that the scriptural examples on this point, while they establish the right of the office-bearers to a large share of influence in the appointment of ministers, do not seem to give them the initiative or nomination, but to leave this to the people,—reserving fully to church courts the right of determining beforehand the whole subject of qualifications, and of deciding afterwards whether they will admit and ordain the person elected and recommended by the people. But the Reformers also held, and so do we, that the great essential prerequisite to the formation of the pastoral relation is the consent of both parties; and that, provided the interference of any unlawful authority, such as that of lay patrons, were excluded, and the free consent of the congregation fully secured, it was not a matter of vital importance to settle where the mere initiative, or the right of first suggestion or recommendation, should be lodged. Every argument in favour of the right of the people to choose, obviously concludes, *a fortiori*, in favour of their right to give or withhold their consent; but, besides the particular statements of Scripture which bear immediately upon the subject of the appointment of ministers, and seem to sanction the people's right to choose, there are other very important scriptural principles,—indeed, most of those on which the whole reformation from Popery is founded,—which, without bearing directly upon the subject of the initiative, tell conclusively against the right of church courts to intrude, and in favour of the necessity of the people's consent. In short, the necessity of the people's consent is more fully and explicitly revealed in Scripture, than any provision about the mere initiative; and it is also much more important in itself, viewed with reference to the nature and objects of the pastoral relation and the ends of the gospel ministry.

As the presbytery and the people have each, on scriptural and Presbyterian principles, a free negative upon the settlement of a minister, it does not necessarily affect the essence of a right ad-



justment of this matter, whether the process should commence by the presbytery recommending to the people a few individuals, any one of whom they are willing to induct and ordain, or by the people recommending one to the presbytery; although we think there are strong reasons of expediency against the church courts interfering authoritatively in the nomination. Indeed, even when the election of their ministers is in the hands of the people, it is and must be practically and substantially only a consent which, in ordinary circumstances, the body of a congregation give to the settlement; as the individual ultimately inducted is usually suggested at first by one or a few individuals, who succeed in persuading the majority of the congregation to concur in supporting the individual whom they have suggested. So it is also with the formation of the conjugal relation. It is a universally admitted maxim, that *consensus facit matrimonium*; and it is also generally admitted that the parties are entitled to a free choice, as to entering upon this relation. But the consent is still the one essential thing. It signifies little in what way the attention of the parties may have been first directed towards each other; whether by their own free selection, or by what we commonly call accident, or by the persuasions or contrivances of others, provided that state of mind and feeling has been produced, of which a cordial consent to enter into the conjugal relation is the natural result and expression. It is of importance, indeed, that no other party shall be permitted to interfere authoritatively in this matter in the way of limiting men's right to choose for themselves, or even of imposing upon them the necessity of rejecting a particular individual proposed to them. But when all authoritative interference of this kind is excluded, then the matter is substantially upon a right footing, if there be the consent of the parties, the only thing necessary or essential to the formation of the conjugal relation. Just so it is with the pastoral relation. It is of importance that no party unauthorized to interfere in this matter, shall be allowed to interpose in the way of restraining or limiting either the presbytery or the people in the exercise of their rights and functions; and, on this ground, we decidedly condemn patronage: but if the matter were left to those who alone have any right to interfere in it,—namely, the presbytery and the people,—and if it were fully secured, that the free consent of the people was indispensable, it would not be a question of vital importance, so far as concerned the substance of the matter, what

particular provision was made about the mere initiative or first suggestion, or whether any definite provision was made for it at all.

Election, then, by the people, is the proper mode of appointing ministers, and this right they may exercise either by themselves or by their representatives ; but the essential thing—that which alone it is a matter of imperative duty to have absolutely secured as indispensable—is, that no man be settled without the consent, or against the will, of the congregation.

That these views have been generally entertained, and that they are in themselves natural and reasonable, is confirmed by the fact, that in some of the purest ages of the church there has been neither a fixed directory nor a rigidly uniform practice in regard to the appointment of ministers. The following is Father Paul's testimony as to the practice of the early church. Speaking of the latter part of the fifth century, he says : “ Quant à la maniere d'élire les ministres j'ai déjà dit, que les Apotres voulurent, que les Eveques, les Pretres et les autres Ministres de la parole de Dieu, comme aussis les Diacres etablis Ministres du temporel, fussent élus par tout le corps des Fidèles, et puis ordonnés par les Evêques en leur imposant les mains sur la tête ; ce qui dura sans nulle alteration.—Les Pretres, les Diacres, et les autres clerics, etoient présentés par le peuple, et ordonnés par l'Evêque, ou bien nommés par l'Eveque et puis ordonnés avec le consentement du peuple. Un inconnu n'étoit jamais reçu, ni l'Evêque n'ordonnoit jamais ceux que le peuple n'approuvoit et ne proposoit pas, et l'intervention du peuple etoit crue si necessaire que le Pape S. Leon prouve à fond l'invalidité de l'ordination d'un Evêque quis n'auroit pas l'agrément du peuple, de quoi conviennent tous les Saints Peres de ce temps là.”\*

Mosheim's account of the practice of the primitive church is to the same effect :—“ Antiquis ante Constantinum Magnum temporibus, hoc commendandi aut *præsentandi* jus (exercised by the clergy) nullam populi Christiani libertati vim afferebat ; libere enim repudiare poterat plebs, *nullâ dissensûs sui ratione redditâ*, quos aut episcopus aut presbyteri suo judicio honestaverant, aliosque aut sibimet ipse præficere aut a presbyteris poscere.”†

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\* “ Traité des Benefices,” pp. 32–34.

† “ Commentarii de Rebus Christianorum,” p. 129.

The following passage from the sixth of Campbell's "Lectures on Ecclesiastical History," at once asserts and accounts for the fact of the absence of a uniform rule and practice in the early church; while it also plainly implies, that, in his judgment, the only two theories upon this subject which, when brought to the test of Scripture and antiquity, could stand an investigation, were these: That the people were entitled to choose their ministers; or at least, that they had a full and absolute negative upon the settlement:—"Some expressions in ancient authors seem to favour the opinion, that these also (pastors as well as deacons) were constituted in consequence of the election of the people. Other expressions favour more the notion, that the choice was in the presbytery, who proposed the candidate they had elected to the people; and that the people had the power of rejecting, *without assigning a reason*, when they did not approve the choice. It is not improbable that different methods, in this respect, obtained in different congregations. From Scripture we have not sufficient ground for concluding positively on either side.—It is not to be imagined, that among people so artless, and at the same time so charitable, as we have reason to think the first Christian societies actually were, the bounding lines of the powers and privileges of the different orders would be accurately chalked out. It is more than probable, that the people, in a perfect reliance on the knowledge, zeal, and experience of their pastors, would desire, before everything, to know whom they, who were the fittest judges, and had the same objects in view, would think proper to recommend; and that, on the other hand, the pastors having nothing so much at heart as the edification of the people, would account *their disapprobation of a candidate a sufficient reason for making another choice.*"\*

The ordinary practice of our own church seems to have been substantially the same during the lifetime of Andrew Melville. The following is Dr M'Crie's testimony upon this point; and though it has been sometimes carped at, it has never been disproved:—"The practice appears to have varied in different places. Sometimes the General Assembly or the presbytery of the bounds nominated or recommended a minister, either of their own accord, or at the desire of the session or congregation. In some instances, the election was by the session, or by the session and principal persons

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\* Lectures, vol. i. pp. 176, 177.

of the parish, and in others by the votes of the congregation at large. Sometimes the congregation elected the individuals themselves; at other times, they nominated the electors from among themselves; and at other times they referred the choice to the presbytery. But in whatever way this was conducted, the general consent of the people was considered as requisite before proceeding to admission; and the church courts exerted themselves in obtaining the presentation for the person who was acceptable to the parish.”\*

We do not admit that there is any reasonable doubt as to what was the substantial *doctrine* of the church at the periods referred to in these quotations; but the fact that there was no fixed directory, and no exactly uniform practice, strongly confirms the views which we have endeavoured to illustrate. It is proper also to state, in order to guard against misapprehension, that we do not intend, by producing these quotations, to suggest that there should be no fixed directory now; for we are convinced, that if there be any one lesson which is more clearly and impressively taught us, upon this point, by the whole history of the church than another, it is the necessity of a fixed and definite rule, in order to protect the people against the usurpations and encroachments of the clergy and the aristocracy.

Some of the most strenuous supporters of the rights of the Christian people have made statements which imply their concurrence in the substance of what has now been said. The following striking testimony to this effect is from Dr John Owen, in his “Discourse of Spiritual Gifts:”—“The outward way and order whereby a church may call any person unto the office of the ministry among them and over them, is by their joint solemn submission unto him in the Lord, as unto all the powers and duties of this office, testified by their choice and election of him. It is concerning this outward order that all the world is filled with disputes about the call of men unto the ministry, which yet in truth is of the least concernment therein. For whatever manner or order be observed herein, if the things before mentioned be not premised thereunto, it is of no validity or authority. On the other hand, grant that the authority of the ministry dependeth on the law, ordinance, and institution of Christ,—that He calls men unto this office by the collation of spiritual gifts unto them,—and

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\* Life of Melville, vol. i., Note EE.

that the actings of the church herein is but an instituted moral means of communicating office-power from Christ Himself unto any; and let but such other things be observed as the light and law of nature requireth in cases of an alike kind, and the outward mode of the churches acting herein need not much be contended about. *It may be proved to be a beam of truth from the light of nature, that no man should be imposed on a church for their minister against their wills, or without their express consent*; considering that his whole work is to be conversant about their understandings, judgments, wills, and affections; and that this should be done by their choice and election, as the Scripture doth manifestly declare, Numb. viii. 9, 10; Acts i. 23, 26, vi. 3, 5, xiv. 23; so that it was for some ages observed sacredly in the primitive churches, cannot modestly be denied. But how far any people or church may commit over this power of declaring their consent and acquiescence unto others to act for them, and as it were in their stead, so as that the call to office should yet be valid, provided the former rules be observed, I will not much dispute with any, though I approve only of what maketh the nearest approaches to the primitive pattern that the circumstances of things are capable of.”\*

The Original Seceders, in their first Testimony, published in 1734, made the following statement, plainly implying a conviction that, in general estimation, the regulation of the initiative was neither so clearly determined, nor so important in itself, as the necessity of the people’s consent and the unlawfulness of intrusion:—“Whatever disputes have been about the right of the Christian people to elect their own pastors, yet we know few or none that have pretended to defend the warrantableness of imposing a minister upon a dissenting and reclaiming people; but such violent intrusions are very common at this day, whereby the great end and design of a Gospel ministry, in the edification of souls, is defeated; innumerable divisions and convulsions in the body of Christ occasioned; the spirits of the godly grieved, and their affections alienated; and the unity of the church broken and ruined.”†

We have also a remarkable statement upon this point in Dr M’Crie’s “What Ought the General Assembly to Do?”—“In

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\* Owen’s Works, vol. iv. p. 331; | † “Re-Exhibition,” p. 47.  
Russell’s ed.

1649, the Parliament abolished patronage, leaving it to the General Assembly to settle the mode of election; and the Assembly found no difficulty in deciding the point in the course of the same year. The members of that Assembly were not all of the same mind as to the measure adopted, and it was not intended to be final; but even under that plan religion flourished, in circumstances otherwise unpropitious, until Episcopacy, with patronage in its train, blasted at once the tree and its fruits. What is to hinder the ensuing Assembly to declare that, in the event of patronage being abolished, parishes shall be settled according to the Act 1649, until, after due deliberation, it shall have taken farther order in that matter? To such an interim arrangement, the warmest friends of popular rights, I am persuaded, would not object. Thus the subject would be discussed calmly, and measures taken to prevent everything like confusion. In a state of society the most undoubted rights admit of being regulated; and circumstances may occur which may even justify a partial and temporary restriction of their exercise.”\*

We hear a great deal of foolish declamation from the defenders of patronage about the differences of opinion among anti-patronage men, and the want of unanimity as to the mode of appointing ministers, which ought to be substituted for that now in operation. This is a topic which is commonly resorted to by those who are conscious that they are either unable or unwilling to discuss the subject upon its merits; and perhaps the only answer they deserve, is to be told that no system of nomination can be so bad as that which vests it in a single individual, on the ground of a merely secular qualification.

There is, indeed, a radical difference of principle between those who support and those who oppose patronage and intrusion, but there is nothing which can properly be called a difference of principle among anti-patronage men. Patronage can be defended only upon Erastian, and intrusion only on Popish, principles; and to everything Erastian or Popish, anti-patronage men are all decidedly opposed. If any difference of opinion exists among them, it can affect only the details of a complete directory to regulate the appointment of ministers, and not the principles on which the directory ought to be based. Anti-patronage men are,

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\* P. 47.

we believe, all agreed upon these fundamental principles :—first, That the pastoral relation should not be formed without the consent of both parties ; secondly, That no one ought to have any right to interfere in the appointment of ministers who is not a member of the church ; and, thirdly, That the presbytery, the session, and the congregation, are the only parties who should have any proper or formal standing in the appointment of ministers. These are manifestly the fundamental principles bearing upon the question as to the right mode of regulating this matter ; and when anti-patronage men put forth these principles, and declare their adherence to them, they are entitled to demand, upon the obvious principles of sound reasoning and common sense, that their opponents shall grapple with them—shall state distinctly whether they admit or deny them ; and if they deny them, shall bring forth, fairly and manfully, the grounds in argument on which they rest their denial. If our opponents, instead of grappling fairly with these fundamental principles, should turn aside to some trifling collateral topics, and should endeavour to raise some confusion about differences, real or alleged, among anti-patronage men concerning mere details, then they are to be regarded and treated as men who are either incapable of discussing the question upon its proper merits, or averse to an honest investigation of the truth.

If the Assembly were to adopt these great fundamental principles on which all anti-patronage men are agreed, and were to appoint a committee to prepare a directory for the settlement of ministers which should be based upon them, we are sure, first, That a directory would quickly and easily be prepared, in which these principles would be fairly and honestly applied ; and, secondly, That to *any such directory* no anti-patronage men, although they might differ about the expediency of some of the particular details, would feel themselves called upon, as a matter of principle or conscience, to give any decided opposition.

These considerations are fitted, we think, to establish the consistency of the views and the conduct at once of the Reformers and of the anti-patronage men of our own day. It has been proved, that the anti-patronage men of the present day can appeal, in support of all their leading views, statements, and objects,—the principles which they maintain, and the grounds on which they defend them,—to the authority of the great body of the Reformers,



—to those to whom, in our own country, we are indebted, under God, for our deliverance from the galling yoke of Popish bondage, the thralldom of Episcopal domination, and the ecclesiastical supremacy of the crown. We have also said enough to expose the futility of some charges upon this point, brought against us by the Dean of Faculty.\* That learned person labours to establish these two positions,—first, That the Veto Act substantially secures the popular election of ministers; and, secondly, That those who hold the scriptural right of the people to choose their own ministers cannot consistently support the Veto Act. It is impossible that both these positions can be true, but it is quite possible that they may both be false; and this indeed is actually the case. No man who has contemplated, with anything like impartiality, the condition of the Church of Scotland for the last six years, during which the Veto Act has been in operation, can doubt that the patrons have still a very large influence in the appointment of ministers,—that they can still do a great deal, though not with the same absolute certainty of success in every instance as before, in determining who shall be ministers of our parishes. The patrons, as such, have still a very large influence in this matter—an influence which, we fear, will henceforth be generally exerted for evil to the church and to religion, and which, therefore, we earnestly desire to see wholly abolished. We have said enough to show the perfect consistency of maintaining at once, that no minister be intruded into any parish contrary to the will of the congregation, and also that the Christian people are entitled to choose their own ministers; and men who may be unable to comprehend the force of our argument upon this subject, may be expected to be impressed by the fact, that both these positions were maintained, without any suspicion of their inconsistency, by the primitive church,—by the great body of the Reformers,—and by all the most able and learned, the most pious and useful men, that have adorned the Church of Scotland.

Nothing occurs after the Directory of 1649 that can properly be called a law or constitution of the Church of Scotland upon this subject. That Directory is still ecclesiastically the law of the church; and although it would require considerable modifications to make it suitable to the greatly altered condition of the com-

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\* John Hope, Esq., afterwards Lord Justice-Clerk Hope. (Edrs.)

munity; yet we agree with Dr M'Crie in thinking, that if patronage were abolished, it might properly enough be adopted as an interim measure, until arrangements were made for securing efficiently the proper rights and influence of the people,—for regulating the “suit and calling of the congregation.”

On looking back on the ground over which we have travelled, we are surely warranted to express our astonishment at the conduct of our opponents in denouncing the principle of the Veto Act as an entire innovation, unknown in the Church of Scotland till 1834; and to adopt the language of Lord Moncreiff, “It is in vain, with these things standing in the Acts of Assembly, to say, that the idea of a negative by a majority, as a test of the congregation consenting or not, is a thing never heard of before.” When the Church of Scotland passed the Veto Act, she was obeying the command of God, “to see and ask for the old paths, where is the good way.” She has been “walking therein;” and although, through the folly and infatuation of our opponents, she has not yet “found rest,” she has received unequivocal tokens of the Divine countenance,—she has much reason to “thank God and to take courage,”—good ground to cherish the hope, that the walls of our Jerusalem will be rebuilt, though it may be in “troublous times.”

*Sec. VII.—Views of the Church of Scotland,—1660, 1690, 1712.*

Although during the dark and dismal period that intervened between the Restoration and the glorious Revolution, we find nothing that can properly be called a law or constitution of our church, there are many plain indications of the views then generally entertained by the Presbyterians in regard to the subjects of our present discussion; and these concur with all the evidence we have hitherto met with in supporting the right of the people to the substantial choice of their ministers. Lord Medwyn, among other blunders, says, speaking of this period, “It is singular how little patronage came into discussion at this time.”\* It would not have been singular if it had not been much discussed, when there were so many other topics of importance apparently bearing more directly upon the question of present duty. But the fact is, that

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\* Auchterarder Report, p. 208.

it did come not a little into discussion at this time; and the circumstance of Lord Medwyn denying this, is just a proof that he had not been fortunate enough in his investigations to fall in with *any* of the works in which Presbyterians, during this period, explained the grounds of their nonconformity to the Episcopal church as by law established.

In 1662, an Act of Parliament was passed, requiring all ministers who had entered the church since 1649, to apply to the patron for a presentation, and to the bishop for collation, under pain of being deprived. And this Act, along with one or two others, was enforced by an Act of the Privy Council, adopted at Glasgow. Of this Act of Council Wodrow says,—“By this Act of Glasgow, near a third part of the ministers of the church were cast out of their charges; and, by the following Acts some more, merely for conscience’ sake, being free of the least degree of disloyalty or rebellion. They could not keep holidays, they could not take the oath of allegiance or supremacy, they could not own patrons, nor subject themselves to bishops; and therefore must be turned out.” \*

This requirement to apply to the patron for a presentation, was distinctly adduced by the Presbyterians of that period, as one of the grounds of their nonconformity; not that they reckoned it in itself sinful to ask or accept a presentation, but because they thought, that to do so in the actual circumstances in which they were placed, *implied* a profession or testimony that was sinful; and in illustrating this ground of their nonconformity, they have left us distinct and explicit testimonies, both as to the scriptural rights of the people in the appointment of their ministers, and *as to the actual practice in this matter under the Directory of 1649*. Let us hear, first, the sentiments upon this point of Mr Robert Douglas, who was one of the Commissioners of the Church of Scotland to the Westminster Assembly, but who being generally with the army, seems to have been seldom or never present at the Assembly of Divines. He was, perhaps, the most influential man in the church at the period of the Restoration, and had the offer of the Archbishopric of St Andrews, if he would have conformed. Wodrow, in introducing some extracts from a manuscript work of his, entitled, “A Brief Narrative of the coming in of Prelacy to

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\* Vol. i. p. 283.

this Kirk," describes him as "that truly great man, Mr Robert Douglas, who, for his prudence, solidity, and reach, was equalled by very few in his time."\* One of the quotations which Wodrow gives from this work of Douglas, bears upon the subject now under discussion, and is as follows:—"The receiving a presentation and collation may be accounted a small matter, but who considers it well will find it very weighty. Taking of presentations condemns the removal of laic patrons, and which is more, condemns the call from the people; and presentations directed to bishops, condemn the call from the presbytery."†

This statement evidently suggests the following observations:—It implies, First, That since 1649, ministers had been settled upon a call from the people, as well as a call from the presbytery,—a fact decidedly confirming the view we have given of the import of the Directory of 1649.

Secondly, That the unlawfulness of applying for and accepting a presentation, did not depend upon the intrinsic nature of the mere act itself irrespective of accompanying circumstances, but on this,—that, in the actual circumstances in which they were placed, the acceptance of a presentation implied a testimony against the abolition of patronage in 1649, and against the system which had since prevailed of settling ministers upon a call from the people.

Thirdly, That the scheme of settling ministers upon a call from the people is the right and proper mode of appointing ministers, and that anything implying a denial or renunciation of this principle is to be guarded against as a sin.

These views were entertained by Mr Douglas, and all the honest Presbyterians of that age. They had been professedly maintained by the whole church previous to the Restoration. The honest men retained them still, and did not scruple to put them forth among the reasons of their nonconformity. There were then, as there have been in every age of the church, unprincipled men, who would have conformed, whatever conditions might have been imposed, just as there are ministers in the present day who will conform, even if it be made a condition of their holding their benefices, that they shall swear to obey all the decisions of the Court of Session in ecclesiastical matters. Such persons acceded to the conditions,—applied for presentation and

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\* P. 225.

† P. 286.

collation, retained their livings,—and earned the contempt and detestation of the people of Scotland.

There are no works published during that period which are better entitled to be regarded as containing a statement and defence of the grounds on which the Presbyterians, in general, rested their nonconformity, than Brown's (of Wamphray) "Apo-  
logetical Relation," published in 1665; "An Apology for, or Vindication of, the Oppressed, persecuted Ministers and Professors of the Presbyterian Reformed Religion, in the Church of Scotland," published in 1677; and Forrester's "Rectius Instru-  
endum," published in 1684; and all these works contain discussions of this subject, and clear indications of the views entertained on this point by the Presbyterians of that age. Brown of Wamphray was one of the most distinguished men of his age, for piety, ability, and learning. He has written an excellent work against Erastianism, which we would recommend to the study of our opponents, entitled, "Libertino—Erastianæ Lamberti Velt-  
husii sententiæ de Ministerio, Regimine, et Disciplina Ecclesiastica. . . . Confutatio. 1670." It is not certainly known when Brown entered into the ministry, but it was probably soon after the restoration of Presbytery in 1638. He does not seem to have taken much part in public matters till after the Restoration, but of course he was well acquainted with the state of the church under the Directory of 1649. The ninth section of his "Apo-  
logetical Relation" is entitled, "The Reasons why Ministers refused to seek presentations and collations, cleared and defended," and in substance they are the very same as those assigned by Robert Douglas. After giving an extract from the Act of 1649, abolishing patronage, Brown adds; "And after this, ministers entered by the call of the people of whom they were to have charge,"\*—an explicit testimony in support of the view we have given of the construction then generally put upon the Directory of 1649. The reasons he assigns why "the faithful and zealous servants of Christ had not freedom to go to seek a presentation," are these:—"1. Because they saw no warrant for such a way of entering into the ministry allowed by Christ, or His apostles, nor practised many hundreds of years thereafter, and therefore to *approve* of such a way had been a sin. 2. The church had been long

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\* P. 102.

groaning under that oppression and bondage, and was desirous to be rid thereof at the very beginning, but could never obtain it until 1649. Now, if they had obeyed this Act, and submitted unto this oppression, they had consented unto the spoiling of the church of her privileges, and had condemned that worthy and renowned Parliament, who were graciously moved of God to take this yoke off her neck. 3. They should, in so far, have consented unto the defection now carried on; for this was a piece thereof. 4. When they accepted a presentation, they were required at the same time to take the oath of allegiance, or rather supremacy; and as Brown says, ‘no man could, with a safe conscience, take this oath, as it was tendered by this Parliament.’ 5. They should have thereby condemned the manner of elections by the people, and consequently themselves, as being hitherto intruders, because entering into the ministry without a lawful call,—namely, without the presentation of the patron.”

These reasons afford obvious grounds for the very same observations which we made upon Douglas’s statement; but Brown’s views are, if possible, still more clearly brought out, as is frequently the case in controversy, in answer to objections of opponents which he immediately subjoins. The following extract on the subject we regard as very interesting:—“But it will be objected, That all the ministers of Scotland who entered before the year 1649, should, by this means, be condemned as intruders, entering without a lawful call. *Ans.* Though patronages cannot but be condemned as sinful, tending to ruin the church, and to defraud her of much advantage (besides the spoiling and robbing her of her privileges and liberties, which are purchased to her by the blood of Christ), because the patron (who sometimes may be a profane person and a persecutor) either hath not understanding to discern the spirits, or will not make choice of the best and most able minister: Yet such as entered that way, before the year 1649, cannot altogether be condemned, partly because then the evil of it was not so fully seen and perceived; partly because that evil had not been reformed, and there was no other way of entry practised or practicable by law; and so, though they might groan under that burden, yet they could not get it helped, and so their fault was less than the fault of such would be who have now seen this evil reformed, and have seen (or at least might have seen) the evil of it, and have been called orderly and duly, conform to the way

of election set down in the New Testament for imitation. How great should the guilt of such be, if they should now again lick up that vomit, and submit unto that yoke! More may be said for the justifying of those who submit unto a yoke under which they were born, and from which neither they nor their forefathers were delivered, than of those who have been delivered, and yet consent again to go under the yoke, and thereby do betray the precious interests of Christ's church, and with their own hands wreath that yoke about the neck of the church under which she had been groaning many a year before. It will be objected, again, That they have already the consent of the people, being called by them before, and so the church liberties are preserved, and their entry is valid enough. *Ans.* It is true they have had the call of the people; but that will not make their compliance with this course of defection the less sinful, but rather the more; for, by their taking presentations now, they do upon the matter declare, that they were not duly called before, and so they condemn the way of entry by election as not lawful, and say that the way of entry by presentations from patrons is the only lawful way,—for the patron's presentation is not cumulative unto, but privative and destructive of, the people's liberty of free election; because, where patrons do present, the people's suffrages are never asked, and where people have power to elect, the patrons have no place to present, so that the one destroyeth the other; and therefore, if any who have been called by the people, and freely chosen, should now take presentations, it would import that, in their judgment, they were never duly called till now, and this were to annul their former election, which they had from the people." \*

In the "Apology for the Persecuted Ministers," the principal author of which, as we learn from Wodrow's Life of his Father, † was Mr Alexander Jamieson of Govan,—“a man of great learning and piety,” “justly reckoned one of the acutest philosophers and most solid divines at this time in Scotland,”—this subject of the rights of the people in the appointment of ministers, is introduced in connection with a discussion of the lawfulness of hearing the curates, and accepting the Indulgence; and it contains some very clear and explicit declarations of principle. The “Apology” says,—“In the search of Scripture and pure antiquity, we find

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\* Pp. 103, 104.

† P. 54.



that ordination by ministers, the election and call of the people, was the way by which ministers entered into congregations, and not the institution and collation of the Bishop, nor the presentation of Patrons, which, as they have their pedigree and origination from Popery, a part of the tyranny of that hierarchy, so they are but late human inventions, derogating from, and vitiating the institutions of Christ about this matter.” “The patron’s presentation takes away the people’s right of election and consent granted them by Christ Jesus.” “If congregations have a just right and power of electing and calling their ministers, then those that come in upon them without this are not to be esteemed their pastors, nor to be subjected to as such by congregations.”\*

We assert “that the right and power of election and calling of ministers to particular congregations is in the congregations themselves to whom they are sent, by divine right, and not in the magistrate, and therefore should not have been assumed by the magistrate, and taken thus from them. That this power of election of ministers is not in the magistrate, either by divine, human, or ecclesiastical laws, needs not to be much insisted on, seeing Scripture and antiquity, for a thousand years after Christ, gives not the least ground for it. “The first part of the proposition is that which is most stuck at—the people’s right and power of election—which is denied by our adversaries. But we thus make it out, as our divines have done before us:—1. From Scripture practice and example.” And then a reference is made to the texts usually quoted on this point from the Book of the Acts, and the nature of the argument grounded upon them is briefly explained, after which the “Apology” proceeds:—“2. It is evident from the constant practice, use, and custom of the church from the apostles’ times, till the Popes of Rome enhanced and swallowed up all power and privileges, either in taking them away, or bringing them into an absolute dependence upon them. 3. In all relations amongst rational creatures that are not founded on nature, and are free, there is always requisite mutual consent, from which, as its proper cause and foundation, it does result, as is to be seen in all sorts of such relations. It is not denied, but yielded by all, that there is a particular special relation betwixt a minister and the congregation he

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\* Pp. 90, 91, 94.

in ordinary serves. We desire to know what is the cause or foundation of it, if it be not this ! All other relations of this kind are founded upon consent, and why not this ? 4. The good effects that have come to the church by the free and voluntary election of the people, where it hath been admitted, and in use, confirm us not a little in this persuasion. We have observed in universal experience, that not only a more universal and cheerful subjection hath been given to the ministry of those that entered this way into congregations, but a faithful and able ministry hath been more generally propagated, to the great advantage of immortal souls." "That churches are not bound to be subject to, but to withdraw from, those intruded upon them ; partly because the just rights of the church are wronged and taken from her, which all ought to maintain and not to quit ; and partly because she is enslaved thereby, and subjected to the lusts and tyranny of men, and a preparative laid down to others for doing of the like in times coming." If the church or churches be without faithful ministers, they also are obliged to refuse the intruding ministers ; and if this unjust and violent intrusion on them continue, they are obliged to provide themselves of ministers, that under their oversight they may have and enjoy the benefit of the gospel and its ordinances, to which, by the commands of Christ, and the necessity of the means of eternal life, they are straitly bound ; for, as unjust intrusion brings nothing with it to make a people yield to the intruders, so it unties no obligation formerly on them for endeavouring of their settlement with a faithful ministry. If we thought these, *in thesi*, were questioned by any, we could, with great ease, make them out to the conviction of all."\*

Forrester was minister of Alva till 1674, and after the Revolution became Principal of the New College and Professor of Divinity in St Andrews. Wodrow, in introducing the account of his "persecution," describes him† as "the pious and learned Mr Thomas Forrester, whose memory is savoury in this church, and who, being dead, yet speaketh by his solid and learned writings against Episcopacy." His work, entitled "*Rectius Instruendum*, or a Review and Examination," etc., contains a full exposition of the grounds usually assigned by the Presbyterians for their nonconformity. And in this work he asserts the right

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\* Pp. 117-119, 71, 72.

† Vol. ii. p. 252.

of the people to choose their own minister, while, at the same time, he approves of the session having the initiative. The title of the fourth chapter of Part I. is this,—“The diocesan prelate’s office takes away the people’s right to call their pastor. This right proved from Scripture and divine reason.” And, accordingly, he proceeds to prove this right from Scripture, much in the same way as the generality of Protestant and Presbyterian divines. He afterwards enforces his principles from “divine reason” in this way :—“The denying of this (the people’s right to call their pastor) unto congregations, and the Episcopal arbitrary intruding of ministers upon them without their call and consent, is, in two great points, contrary unto divine reason. 1. Unto that spiritual and near relation which is betwixt a minister and his flock, which is certainly marriage-like, and very strait. And there being many peculiar duties which they owe unto Him beside other ministers, all flowing from this relation, particularly a special reverence, obedience, and subjection, these must certainly suppose a voluntary consent and call, and cannot be bottomed upon the mere will and pleasure of another, which cannot make up this relation. 2. This denying of the people’s right to call their pastor, is contrary unto that judgment of discretion, that spiritual discerning and trying of the spirits, which is allowed, yea, and enjoined to the people of God. If in anything a spiritual discerning must take place, surely in this especially, to whom a people do entrust their soul’s direction and guidance. If in anything a Christian must act in faith, and not give up his persuasion to any implicit conduct, and thus become a servant of men, sure it must be in a matter of so great weight as this. If Christ’s sheep have this for their character, that they know the voice of the true shepherd from the voice of the hireling and stranger, from whom they will fly,\* sure their knowledge and consent must intervene in order to their acceptance of, and subjection to, their shepherd. If they must not believe every spirit, but try the spirits, sure this caution and trial must be especially allowed in this case, that they admit not a false prophet instead of a true. So then the Episcopal government is in this, as in other points, chargeable with antichristian and anti-scriptural tyranny over Christ’s flocks.”†

In a subsequent part of his work, he asserts and proves, that

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\* John x. 4, 5.

† Pp. 33, 34.

“the ordinary method wherein the Scriptures do express the setting apart of church officers to their sacred functions, is by the church’s election and consent.” And after thus asserting the great principle, he endeavours to provide for regulating the mode of its application, by giving the initiative, or what he calls “the formal consistorial determination in the case of election,” to the session, and concludes with explaining his views in this way:—  
 “In a word, the Scripture arguments, and other grounds here hinted, which do clearly conclude the people and congregation’s right as to a call in general, will not infer that the *χειροτονια* belongs to every one of the people, or the whole collective body, so far as to import a formal decisive suffrage; for it being the due right of the people’s representatives, the eldership, in whose choice and election the people have a great interest, and to which they give a formal consent, the congregation doth in and by them give their *χειροτονια*, or suffrage, and what is proper to some part of this organic body, the church, may be well said to be the due right and action of the whole, in a general sense, each part concurring *suo modo*.”\*

These were the views of the Presbyterians during the period of the persecution. No evidence of an opposite kind, as to their opinions upon this point, can be produced. Among the unfortunate divisions which on some points prevailed among them, there never was any difference about this; and no evidence exists that any one of our persecuted forefathers, during this important era, ever entertained a doubt of the divine or scriptural authority of the principle, that the Christian people are entitled to the substantial choice of their own ministers.

We now come to the important era of the Revolution, when, through the mercy and kindness of God, Episcopacy and the ecclesiastical supremacy of the Crown were abolished, and Presbyterian church government was re-established.

As we learn from Buchanan that the Protestants of Scotland, in 1558, previously to the establishment of the Reformed religion, had demanded “that the election of ministers, according to the ancient custom of the church, should be made by the people,” so we learn from Wodrow, that the Presbyterians of Scotland, in

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\* Part III. c. iii. pp. 76, 77.

1688, in an address prepared with the view of being presented to the Prince of Orange, demanded, among other things, “that laical patronages be discharged, as was done in the Parliament 1649, and the people restored to their right and privilege of election, according to the word of God.” Accordingly, patronage was abolished in 1690; and it was then enacted that, “in case of the vacancy of any particular church, and for supplying the same with a minister, the heritors of the said parish, being Protestants, and the elders, are to name and propose the person to the whole congregation, to be either approved or disapproved by them; and if they disapprove, that the disapprovers give in their reasons, to the effect the affair be cognosced upon by the presbytery of the bounds, at whose judgment and by whose determination the calling and entry of a particular minister is to be ordered and concluded.”

It cannot be proved that the church ever cordially approved of all the provisions of this Act about the calling and entry of ministers; and it is certain, from the known sentiments of her leading men, that they could not have consistently approved of it, unless they had regarded it as being substantially “a regulated system of popular election,”—and as, at least, affording the means of guarding fully against the intrusion of ministers upon reclaiming congregations. It is not disputed that under this Act the presbytery were entitled to reject the nominee of the heritors and elders on account of the opposition of the people, or for any reason they chose to sustain. Our opponents, however, triumph much in the provision that the disapprovers were to give in their reasons; but there is nothing in this, as we have shown, that is inconsistent with the principle of non-intrusion. And it is to be observed that the presbytery are not required to cognosce upon the reasons, but upon “the affair.” By Lord Aberdeen’s Bill, the presbytery were not authorized to reject unless they were prepared, upon examination, to adopt the reasons of the people as their own,—that is, to set forth in their own name, and as the result of their own convictions, that the reasons in themselves, and irrespective of the fact that they were held by the great body of the congregation, were relevant and true; whereas the Act of 1690 leaves them at full liberty, without giving their own judgment on the reasons, or adopting them as their own, to find, that since such convictions were generally entertained by the people, it was not for edification that the person nominated should be settled there.

This Act, then, even if it be regarded as in entire accordance with the mind of the church, contains nothing that can be proved to be inconsistent with the principle of non-intrusion, since it left the church courts at full liberty to do what non-intrusionists hold to be their duty,—namely, to reject a man whenever the congregation are decidedly opposed to his settlement. In so far, therefore, as concerns the mind of the church at this period, it is to be discovered only by ascertaining what reasons or grounds they would have considered sufficient for refusing to proceed to ordain, or on what principles they felt it to be their duty to exercise the powers which this Act conferred upon them. Now, upon this point we have the explicit testimony of Willison, who became minister of Brechin in 1703, and took a very active part in public matters. He says (in his “Fair and Impartial Testimony,” published in 1744):—“The execution of the Act 1690 being entrusted to presbyteries, the sense they then put upon the approbation of the congregation, and the reasons of the disapprovers, was far from the late sense put upon them. By their approbation the church then understood their judgment concerning the candidate’s gifts of preaching and prayer, that they judged them suitable to their capacities, and adapted to their edification; and if the body of the congregation disapproved the man nominated, and gave for their reasons, *that his gifts were not edifying to them, nor suited to their capacities, and that they could not in conscience consent to his being their minister*; such reasons given by a knowing, well-disposed people” (of course none else are entitled to be church members) “were then judged sufficient to stop the affair, lay aside competing candidates, and to proceed to a new election.” “No call would then be received without that clause ‘of the consent of the parishioners.’ No doubt the words of the Act 1690 might have been perverted to the people’s hurt in some hands; but the church being allowed to explain and execute that Act agreeably to their known principles as they then did, the people continued easy under it, finding their rights safe, their consent always necessary, and no intrusions made upon them. This consent of the people in settlements hath been judged necessary by this church in all periods since the Reformation.”\*

Of all this, of course, all non-intrusionists will most cordially

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\* Pp. 71, 73.



approve, and there is nothing in the public actings of the church, or in its general history during this period, that invalidates, but much that confirms, Willison's statement. In the Large Overtures, printed by the Assembly of 1705,—and which, though “not to be looked upon as the deed of the Church of Scotland, nor any judicatory therein,” are yet of much weight in ascertaining the general mind of the church, as “having come through the hands of so many learned, judicious, grave, and pious ministers who have been at great pains in that matter,”—it is provided that, “if the eldership of a vacant congregation do, by their commissioner, acquaint the presbytery that they not only have had their thoughts on a person to supply their vacancy, but have communicated the same to the heritors and other heads of families, and do judge it may be probable that the person will be generally, or to the most part, acceptable; and if the presbytery be satisfied with the person they design to be minister, then the presbytery is to proceed.”

This plainly implies that the people were then considered as entitled to, and that they did in fact possess, the substantial choice of their ministers. These overtures likewise prescribe the form of a call, which runs, indeed, in the name of the heritors and elders, but expressly declares that “they have agreed, with the advice and consent of the parishioners of the parish aforesaid, to invite, call, and entreat,” etc. Mr Robertson quotes largely from this section of these overtures, though it contains nothing in support of his views, but he omits all notice of the parts we have quoted. We have a conclusive proof that this was the general practice of the church at that time, in the well-known work, commonly called “Pardovan's Collections,” published in 1708, and recommended to general use by the Assembly of 1709. In the first title of the first book, entitled “Of the Election and Ordination of Pastors,” in describing the usual practice of the church under the Act 1690, it is said,—“When the presbytery are well informed that a parish, for the most part, is unanimous to elect a fit person to be their pastor, then they are to appoint one of their number to preach to the vacant congregation, and to intimate that elders, heritors, and heads of families do meet at the church in order to the electing of a fit person to supply their vacancy.” On these grounds we hold ourselves warranted in maintaining that the church, under the Act 1690, practically acted upon the principle of the right of the people to the substantial choice of their mini-



sters, and required their free consent as indispensable. It is, indeed, certain that the ministers of the church, at the period of the Revolution, maintained the divine or scriptural right of the Christian people to the choice of their ministers, and it can scarcely be doubted that they regarded this as substantially provided for by the existing law. Wodrow has given us a very interesting account of the intentions of those who were concerned in the framing of the Act 1690, which we extract from Dr M'Crie's *Evidence on Patronage*:—"In May 1710, before the question" (that is, the restoration of patronage by Queen Anne's Act) "was stirred, in converse with the late Lord Advocate, Sir James Stewart of Goodtrees, anent the Act of Parliament abrogating patronages, and declaring the shares of heritors and elders in what is now termed calling of a minister, he told me that he did draw the Act. There were with him two lawyers, and there were three ministers advised with—Mr Gab. Cunningham, Mr H. Kennedy, and Mr Rule. He tells me that their design was to bring the matter of settling ministers as near the ancient primitive *χειροτονια* as the circumstances did allow of at this time. That they were carefully cautious not to bring the heritors and elders in the patron's room, in the matter of presentation, when the patrons were abolished; which, in his judgment, had been as great, if not worse slavery, and an establishing I do not know how many patrons in the room of one. And, therefore, they were very careful to abstract from the word *present*, which might have imported somewhat like this, and of design put in the word *propose* in its room. That he wonders to see ministers and the most part of persons confound these two, and suppose that the heritors and elders are now in the patron's place, when they only are to propose and the people are to approve, or if they disapprove, give their reasons to the presbytery, who are finally to determine on the matter. The presentation was entirely abolished, either in one person or in many, *and the choice lodged in the hands of the people at the determination of the presbytery.*"\*

The three ministers advised with could not have approved of any scheme which they did not regard as based upon the principle of popular election. There is not, indeed, so far as we are aware, any direct evidence of the views of Kennedy, who was moderator

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\* P. 361.

of the Assembly 1690, upon this point ; but we have no reason to think that he differed from the rest of his brethren ; and a strong presumption that he was a supporter of the rights of the people, is to be found in the facts, that he was a decided Protester, and a protégé and intimate friend of Samuel Rutherford. In regard to Cunningham and Rule the evidence is conclusive. We learn from Wodrow,\* that Cunningham was, in 1672, sent by a number of ministers in the west country to Edinburgh, to persuade the brethren in the east to concur in adopting and publishing a paper, entitled “Grievances as to the Indulgence,” and that paper contains the following statement :—“Albeit there be a very great necessity of a free call from the people, both in regard of ministers themselves, who may judge it necessary, antecedently for the exercise of their ministry among a people, lest they seem to be intruders, running unsent ; and also in regard to the people, who will acknowledge none for their ministers, nor willingly subject themselves to their ministry, who want their call ; yet the indulgence, as contrived, deprives the people of the liberty of free election, in so far as ministers are designed for them, and, by the council’s act, peremptorily confined to the parishes, without so much as the previous knowledge of the people ; and so a necessity is laid upon the people, either to call the confined, or to want a minister.”

Rule was perhaps the most distinguished man in the church at the period of the Revolution. He was selected to fill the important situation of Principal of the University of Edinburgh ; he was appointed by the Assembly of 1690 to write an answer to some Episcopalian pamphlets ; and he was one of two commissioned by that Assembly “to wait upon his Majesty anent the affairs of this church.” He was, beyond all question, a strenuous and consistent supporter of the right of the people to choose their own ministers. In his “Rational Defence of Nonconformity,” in reply to Stillingfleet, published in 1689, he thus declares his opinion :—“I affirm that this is the institution of Christ, that it is the order that He hath appointed in the gospel, that people should have liberty to choose their own pastors, and other church officers. . . . I shall prove this by showing that it was the constant practice of the church, while the apostles managed the affairs of

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\* Vol. ii. p. 207.

it, that church officers were chosen by the suffrages of the people; and I hope it will not be denied that such practice is declarative of Christ's institution."\* He asserts, also, that this right is inalienable; that no power has a right to take it from the people, and that they have no right to give it away:—"I deny that the people could give away this right; it was Christ's legacy to them, and not alienable by them. It doth concern their souls, not their temporal estates, and such concerns are not at men's disposal."—"It is a conceit unworthy of a divine, and only fit for Simon Magus, that the liberality of princes, or others, to the church, can entitle them to be masters of her privileges."† In farther explaining his views, he says: "We do not so put election into the hands of the multitude, as either to exclude the eldership that is among them, or to exempt the people from their guidance in this. The eldership ought to regulate this action, yet so as it be not done without the consent of the generality.—We deny not but a part of a church, or the whole church, may forfeit this right, as to the present exercise of it, by ignorance, scandal, irreconcilable contentions about the matter, and such like, in which case the power of election devolves into the hands of the pastors of the churches associated—I mean the presbytery; yet the people's satisfaction should be endeavoured as much as possible."‡ We find also the following statement, which is interesting, as showing the meaning then attached to certain expressions:—"If these (some extracts from Cyprian) do not import the people's consent to be required, *and so amount to election*, let any indifferent reader judge."§

Rule also published, in 1690, a small pamphlet, entitled, "A True Representation of Presbyterian Government," generally understood to have been prepared with the concurrence of his brethren, as a public manifesto of the principles of Presbyterians at that important crisis. The Representation thus states the principles of Presbyterians in regard to the appointment of ministers: "The way how men come into any office or power in the church, is by election of the people, which designeth the person (in which election, as in other things, they are to be under the conduct and regulation of the church guides) and ordination, by laying on of the hands of the presbytery, which is the mean of communicating authority to him, and the former of these ought to precede the

\* P. 199.

† P. 214.

‡ P. 198.

§ P. 206.

latter.”\* It is true that, in a subsequent part of this Representation, the following words occur:—“If division fall in, the elders are judges of the difference between the parties, and are to consider the reasons on both hands, and to ponder and weigh, as well as to number, the votes.”†

If Mr Robertson had been lucky enough to find this garbled extract in Lord Medwyn’s speech, or anywhere else, he would have triumphed in it as a strong testimony in favour of his principles, and with quite as much reason as he did in the quotations from Calvin and Beza. But any one examining the context will see at once that it is nothing to the purpose. Rule states, as an objection that might be adduced against the abolition of patronage and the introduction of popular election, that then, men of rank and influence might be overruled by the people, and have a minister imposed upon them. In answer to this objection, he shows that this is no reason for “crossing Christ’s institution, and robbing His people of the privilege He hath bequeathed to them.” And in the passage from which the extract is taken, he is showing farther, *in answer to the same objection*, that the church courts may take into account the character, reasons, and influence of the dissentients, “weighing the votes as well as numbering them,” *to the effect of sometimes refusing, on these grounds, to settle a man even when only a minority dissented.* And so far from giving any countenance to the right of church courts to intrude a minister upon a reclaiming majority, he expressly asserts, in the same passage, “that the meanest adult male member of the church hath a right to assent or dissent.”

Principal Rule continued to hold these views till the end of his life; for he asserted them in his last work, published in 1697, and entitled, “The Good Old Way Defended.”‡ We may also remark, that Principal Forrester continued to maintain the same principles which he had asserted in 1684, long after the Revolution Settlement; for in an appendix to a work published in 1706, and entitled, “Confutation of Sage’s Vindication of the Principles of the Cyprianic Age,” he states this as one of the principles of Presbyterians “in point of church government:”§ “In opposition to the Prelatical constitution, we assert the people’s power and interest to call their pastor;” and adds, “This right of the people

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\* P. 6.

† P. 14.

‡ P. 312.

§ Pp. 261, 262.

to call their pastor, Presbyterians have made good from several clear Scripture grounds ;” and then he proceeds to quote and comment upon the usual texts from the book of the Acts.

The same principles as to the scriptural right of the Christian people to choose their own ministers, and the necessity of their consent to the formation of the pastoral relation, were maintained by all the most distinguished writers of our church, and all the leading defenders of her constitution, between the Revolution and the restoration of patronage. They are clearly stated, and unanswerably defended, in Park’s “Rights and Liberties of the Church,” published in 1689 ; in Jameson’s “Cyprianus Isotimus,” published in 1705 ; in Lauder’s “Ancient Bishops considered,” published in 1707 ; in Hog’s “Right of Church Members to choose their own Overseers stated from the Scriptures,” published in 1717. It is needless to quote them, for the fact is unquestionable ; and nothing but an entire ignorance of the theological literature of the period could ever have led any man to dispute it. We shall, however, give an extract upon the subject from Willison ; and our reason for doing so is, because the views of that most excellent man and highly honoured minister were most grossly misrepresented at a public meeting held in this city in support of Lord Aberdeen’s Bill. In an excellent little work against Episcopacy, published in 1714, and entitled, “A Letter from a Parochial Bishop,” he says,—“It is plain from God’s Word that the people have a divine right to choose their own pastors. For we find their consent and suffrage required in the choice of all church officers.”\* He then proceeds to prove this by the arguments usually employed by Presbyterians, and concludes :—“I know, indeed, that the extraordinary cases of *ecclesia constituenda*, and of error or obstinacy in a people, are here to be excepted ; in which the church must necessarily interpose her authority, and send pastors in mission to them for the good of souls.” And the same views he consistently maintained in his “Defence of National Churches,” published in 1729, and in his “Testimony,” already quoted, published in 1744.

No evidence has ever been produced, that at this period any minister of the church dissented from the views which were thus publicly maintained by all her most celebrated writers, and all her

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\* P. 121.

most distinguished champions. They asserted these principles in opposition to Episcopalians and Erastians,—they uniformly stated them as Presbyterian principles held by the Church of Scotland; and it does not seem to have ever entered into their minds that any sound Presbyterian could dispute them.

The evidence we have produced is conclusive, and needs no corroboration; but it is rather curious to find it confirmed by Sage, the most able and learned defender of Episcopacy during that controversy in which Rule, Forrester, and Jameson acted so conspicuous a part. In his "Fundamental Charter of Presbytery," published in 1695, he says,—“Our present Presbyterians, everybody knows, are zealous for the divine right of popular elections; the power of choosing their own ministers.”\* And after some quotations from their works, he says,—“This is their doctrine; though 'tis obvious to all the world they put strange comments upon it by their practice.” He asserts that this doctrine was contrary to that of the early Reformers of the Church of Scotland; and then he proceeds to try to prove this, very much in the same way as our opponents in the present day, by distorting and perverting the Books of Discipline, and putting an unfair gloss upon insulated facts and statements,—not forgetting Andrew Melville and the Synod of Fife in 1597.

The fact that the church in general at this time, and all her leading men, held the principle of the divine or scriptural right of the people to choose their own ministers, is a conclusive proof, that if the church approved of the Revolution Settlement in regard to the appointment of ministers, it could be only because they regarded it as being substantially “a regulated system of popular election;” and that, in the exercise of the powers which the Act of 1690 conferred upon them, they never could, with honour or consistency, have consented to thrust a minister upon a reclaiming congregation. We have already proved that this was in fact the case; and therefore we can confidently point to the principles and practice of the church at the Revolution, as bearing decided testimony in favour of the principle of non-intrusion, as embodied in the Veto Act.

We are here naturally led to advert to a statement which has been repeatedly made of late,—namely, that the divine or scrip-

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\* P. 384.

tural right of the people to the choice of their ministers was brought forward in Scotland, for the first time, about the period of the Secession. The statement of the Dean of Faculty upon the subject is this :—"The doctrine above quoted (the scriptural authority of popular election) is not new. It was started in Scotland, by the authors of the Secession, about 1730,—though *wholly unknown*, as Sir Henry Moncreiff explains, in the earlier history of the church."—"The doctrine of right, revived in the present day, Sir Henry Moncreiff has *completely proved*, was unknown in the church till the period of the Secession."—"On this point, the very fact that the doctrine of right was first broached—as Sir Henry Moncreiff says, at the time of the Secession—is perfectly conclusive."\*

The authority on which he ascribes this statement to Sir Henry Moncreiff, is the following passage in his Appendix to the Life of Erskine :—"There does not appear, during the whole interval from 1690 to 1712, the least vestige of a doctrine, so much contended for at a later period, which asserted a *divine right* in the people, individually or collectively, to elect the parish ministers. In all the questions before the General Assemblies, with regard to the settlement of parishes, there is no claim to this effect, either asserted or pretended; nor does there appear to have been, in any single instance, an opposition to the execution of the Act 1690, on any principle of this kind. Whatever have been the disadvantages of the Act 1712, they did not originate in its contradiction to any supposed claim of divine right; which, at the time of this enactment, though there might be private opinions of individuals in its favour, was neither avowedly asserted, nor conceded."†

In opposition to these statements, we shall quote the testimony of Dr M'Crie, who plainly had Sir Henry's allegation in view, when he spoke and wrote as follows :—"I take this opportunity of correcting a mistake in point of fact, into which some writers have fallen. It has been asserted, that the idea of the divine right of the people in the election of ministers, first arose in the Church of Scotland about the year 1732. Now, not to speak at present of the doctrine laid down in the First Book of Discipline, and taught by the most distinguished Presbyterian writers of the seventeenth century, Mr Park published his learned work on patronage in the year after the Revolution. In that

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\* Letter to the Lord Chancellor, pp. 15, 128, 131.

† P. 434.



work, which has always been considered as expressing the sentiments of his brethren, he vindicates the right of the Christian people from Scripture, and shows that they continued to exercise it for centuries after the empire became Christian. And the same principle was maintained in other publications which appeared between the abolition of patronage in 1690, and its restoration in 1712.”\* And again:—“The principle of popular election was not first brought forward at the time of the Secession. The principle of popular election was maintained and inculcated by Park, Rule, Hog, Forrester, Lauder, Jameson, and all the writers in defence of the Church of Scotland, between the Revolution and the Union, with whom I am acquainted. The principle of popular election was held by ministers of the Church of Scotland at the Revolution, but I do not mean it to be understood that it originated at that period. It was the principle of our Reformers from the first, and was held by Henderson, Gillespie, Rutherford, and other divines who flourished between 1638 and 1649.”†

No one who knows anything of this subject, or who has considered the evidence we have adduced, can entertain a doubt of the truth of Dr M'Crie's statement. It has been said that Sir Henry's statement is not to be taken in all the latitude of meaning in which Dr M'Crie and the Dean of Faculty have evidently understood it, and that he referred only to what openly appeared in the public acts and deeds of the church. We have little doubt that this was chiefly what Sir Henry had in his mind; but, at the same time, it seems evident that he could scarcely have made so wide and so general an assertion upon this point, if he had been acquainted with the writings of Park, Rule, Forrester, Lauder, and Jameson,—if he had been aware of the fact, that *all* the leading defenders of Presbyterian principles, and *all* the most distinguished champions of our church, from the Revolution to the restoration of patronage, asserted the scriptural right of the people to the choice of their own ministers, and unhesitatingly put forth this doctrine as a Presbyterian principle maintained by the Church of Scotland. No evidence can be produced that any of the ministers of our church disputed this doctrine during that period, and there is nothing in her public acts and deeds in the

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\* “What ought the Assembly to do?” p. 45.

† Patronage Report, pp. 383, 384.

least inconsistent with the idea that it was then generally held. Nay, we know from the testimony of Pardovan, corroborated by the overtures of 1705, that presbyteries in general, at that time, took no active steps towards the filling up of a vacant parish, until they understood that the people had substantially made up their minds as to the person whom they wished to be their minister.

Reference has, indeed, been made to an Act of Assembly in 1698, to show that the church then denied to the people the right of appointing their ministers; but certainly nothing except very gross ignorance, or something worse, could have led any man to make use of this argument. A Bible had been published in England during the time of the Protectorate, in which, in Acts vi. 3, in the account of the appointment of deacons, the words, "Look ye out among you seven men, etc., whom we may appoint over this business," were printed, "whom ye may appoint," evidently for the purpose of showing that the appointing,—that is, the solemn investiture with the authority of the office, or what, in the case of presbyters, would be ordination,—belonged to the people, as well as the election or looking out. Ignorant or dishonest Episcopalians, down even to the present day,\* have been accustomed to ascribe this fraud to Presbyterians, just as if it were not notorious that the principle which it was obviously intended to favour, has always been as strenuously opposed by Presbyterians as by Episcopalians. This charge had been brought forward in 1698, and the Assembly of that year passed an Act, disclaiming, on the part of Presbyterians, any connection with this fraudulent change, and any concurrence in the views which it seemed intended to promote. In this act they declare, that "they allow no power in the people, but only in the pastors of the church, to appoint or ordain church officers,"—the word *ordain* here being manifestly introduced as explanatory of the word *appoint*, and the statement having plainly no reference whatever to the choice or election. And, accordingly, they conclude with saying, that they were not aware that this text had ever been used in Scotland "to prove the people's power in ordaining their ministers." It had, however, been unquestionably employed, as we have seen, by some who were leading men in the church at this very time, to prove the people's power in electing their ministers, as it could scarcely

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\* See Poole's Testimony of St Cyprian against Rome, p. 249.

be disputed that the people chose the deacons, though the apostles appointed or ordained them. In short, there is manifestly nothing whatever in this Act of Assembly in which any Presbyterian defender of the right of the people to choose their ministers would not cordially concur.

We formerly asserted, that “so far was the allegation,—that the doctrine of the divine right of the people, in the choice of their ministers, was unknown in the Church of Scotland till about the period of the Secession,—from being well-founded, that the very reverse was the truth, and the fact was, that this doctrine was scarcely ever denied or disputed in the Church of Scotland till about the time of the Secession;” and this assertion we think we have established. We have proved that the leading men in our church, and her most distinguished writers, from the Reformation till the restoration of patronage, maintained the scriptural authority of the right of the people to the substantial choice of their ministers. No evidence can be produced that this doctrine was ever during that period a subject of controversy among Scottish Presbyterians. The only things that seem to discountenance our position are the provisions of the Second Book of Discipline,—the Directory of 1649,—and Baillie’s account of the discussions connected with the preparation of that Directory. These, we think, have been all satisfactorily explained. It has been proved, at least, that these documents were not understood by those who framed them as inconsistent with the people’s right to choose their ministers, or as intended to embody a denial or renunciation of that principle; and this is sufficient for the purpose of our present argument.

We do not mean to discuss in detail the subsequent history of the principles and actings of the church in the settlement of ministers, for a reason formerly mentioned,—namely, that however important they may be in a legal point of view, they cannot be fairly considered to possess much weight as testimonies either for, or against, a truth or doctrine. For about twenty years after the Revolution, the Church of Scotland was, upon the whole, in a most efficient condition, and conferred most important benefits upon the country. But about the time of the restoration of patronage, the elements of spiritual corruption and decay began to work and to show themselves. The old faithful ministers who had endured the persecution had gone to their rest; the corrupting

influence of the Episcopalian conformists, who had been received into the church, was extending itself; men of ability and activity, but of unsound principles, and destitute apparently of personal religion, contrived, by sycophancy and court favour, to get into situations of importance,—were made Principals of Universities and Professors of Divinity; and this, combined with the exercise of patronage, restored by a Popish and Jacobitical faction, and exercised generally by an irreligious and profligate aristocracy, spread the leaven of iniquity, and thus paved the way for the ascendancy of the Moderate party. Under their reign, during the latter half of last century, the preaching of sound doctrine and the practice of serious religion were discountenanced by the whole weight of ecclesiastical authority; everything that a Christian church ought to aim at was disregarded; the rights and consciences of Christian men were trampled under foot, and ministers were settled even at the point of the bayonet; our ecclesiastical leaders had, for their most intimate friends, avowed infidels, and governed the church in a worldly and infidel spirit; though professing to act like philosophers and gentlemen, they were notoriously engaged in a pitiful scramble for pelf and pensions; the greatest offence a minister could commit was to be valiant for the truth; the church courts did their utmost to protect those accused of heresy and crime, and manifested as much indifference about the interests of morality which they pretended to respect, as about the doctrines of the gospel which they avowedly despised.

It would be well if the men of our own day were better acquainted with the real character and the fearful consequences of Moderatism; and it would be an important service to the cause of truth and righteousness, if any one competent to the task would give us a history of the rise and progress, the decline and fall, of that antichristian system. Moderatism, indeed, like Popery, is now trying to assume a more decent garb, better suited to the spirit of the age. The Moderates would now have us to believe that they stand in much the same relation to the enormities of the reign of Principal Robertson, as the Papists of our day lay claim to in regard to the fires of Smithfield and the horrors of the Inquisition. Every false system is more or less modified by outward circumstances, and there is therefore a sense in which it may be admitted that Popery is changed, and that Moderatism

is changed ; but we believe that, practically and substantially, Moderatism, as a system, whatever may be the case with individuals, is no more changed than Popery is ; and, as we would not be sure that the fires of Smithfield might not be rekindled if Popery should regain an ascendancy in this country, so we fear that if Moderate ascendancy should be restored in our church courts, it would soon show itself to be the same antichristian and tyrannical system as it was in former times.

As the original elements of some of the corruptions of Popery can be traced back to the second century, so the leaven of Moderatism seems to have begun to work about the time of the Union with England in 1707. In 1708, Professor Simson was appointed to the Theological Chair at Glasgow, and he did much injury there by teaching unsound doctrine,—the church, by her unfaithfulness in the matter, being a partaker in the guilt of extending the evil, and at the same time provoking the displeasure of God, and quenching and grieving the Holy Spirit.

Willison, who was ordained in 1703, and who was not only a man of eminent piety and distinguished usefulness, but a man of superior talents and learning,—much more than a match in these respects for many who may despise him because of his piety and usefulness,—distinctly declares that there were clear traces of the decay of true religion soon after the Union. In his Testimony he says,—“After the Union, when our correspondence and communication with the English was greatly increased, the Lord’s day began to be profaned after their example, and other immoralities much to abound, and the societies for reformation of manners to dwindle away. Likewise, our nobility and gentry have been since that period giving up gradually with family religion, and the very form of godliness, and falling into a looser way of living ; for many of them since the Union do either dwell or spend much time in England, whereby they learn many of their vices and evil customs ; they are either reconciled to the English hierarchy and worship, or live much in the neglect of all public worship ; and, being there under the inspection of no parish minister, they and their families get leave to live as they list ; and, when they come down to Scotland, they get many to follow their loose examples.” And again, speaking of the suppression of the Rebellion in 1715, he says,—“It might have been expected, that such astonishing mercies and deliverances would have pro-

duced humility and thankfulness to God, have led us to repentance and reformation, and have animated our zeal for God and His truths, and our activity to get the church's grievances redressed, when such a fit opportunity seemed to offer. But, alas! we became unthankful to God, and soon forgot His goodness; we turned secure and confident under King George's protection and favour, and began to lose that zeal for preserving the purity of doctrine and worship, for suppressing error and immorality, and for the advancement of religion and godliness, which former Assemblies manifested. Now our old zealous suffering ministers were generally gone off the stage, and a woful lukewarmness and indifferency began to seize upon the following generation." He then notices the case of Professor Simson, gives an account of the first process against him, which lasted from 1714 to 1717, and adds, that, "as a just rebuke upon the Assembly for their lenity, Mr Simson persisted in his unsound doctrine, contemned their sentence, and still went on in a course of error, till, in a few years, he is arraigned before the Assembly for Arianism."\*

It is not, then, surprising that the overture which was transmitted to the presbyteries by the Assembly of 1711, "concerning the planting of vacant churches, especially *tanquam jure devoluto*," and on which Mr Robertson comments at great length, should give a somewhat uncertain sound. It gives, however, no positive sanction to Mr Robertson's intrusion principles, and contains nothing inconsistent with ours. It seems to contemplate, that when the *jus devolutum* accrued to the presbytery, the election, in the first instance, was to be managed by the heritors and elders, much in the same way as in ordinary cases; and this, as we have seen, was by ascertaining the general inclinations of the people, and acting upon them. It provides, that "in case the heritors and elders delay to give a legal call, then the presbytery shall propose to the heritors and elders, or to the heritors and people where there is no legal eldership, a leet of several fit persons, that they may agree to one of them to be their pastor, and endeavour to gain their consent to one of that leet; or in case a fit person be proposed by the heritors, elders, or people, the presbytery shall endeavour to bring the heritors and elders, or the heritors and people where there is no legal eldership, to an agreement to that person.

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\* Pp. 34, 44, 46.



—And even when the six months are expired, and before the presbytery proceed to settle the parish *tanquam jure devoluto*, they shall continue to deal with the parish, at least for their consent to a presbyterial call; and when there is no hope of success, then the presbytery may proceed to the said settlement.” The provisions of the Act about persons opposing the settlement from “a litigious or disaffected humour,” seem to have reference only to the case of a minority, or a few, dissenting. There is nothing in the Act containing, directly or by implication, a decision upon the question, what the presbytery is to do in regard to the settlement of a man to whose induction a majority of the parishioners are opposed. And therefore, although, as we have said, it gives a somewhat uncertain sound, it contains no evidence that the church had yet abandoned the principle of the necessity of the consent of the people, which from the Reformation she had maintained.

This overture did not pass into a law, and the Assembly of 1719 transmitted another overture on the same subject. It is much the same in substance and spirit as the overture of 1711; but it more explicitly directs, that “the inclinations of heads of families, and persons of good reputation in that parish, should be tried, and regard had thereto in the choice of a minister.” The leading peculiarity of the overture of 1719 was, that it gave a veto or negative, without reasons, to the heritors in the settlement of ministers,—a clear indication of the prevalence of that subserviency to rank and worldly influence which is one of the fundamental elements of moderate policy. There is another curious circumstance, which shows that the Assembly of 1719 had no objection to the principle of a veto or negative, without the necessity of substantiating reasons to the satisfaction of others, provided it was vested in such a way as to promote the purposes either of secular Erastianism or of clerical domination. The Commission of that Assembly transmitted to presbyteries “Overtures concerning kirk-sessions and presbyteries,” which provided, “that if any question fall out in a session, nothing ought to be concluded unless it be agreed to by the minister and the plurality of the elders,”—thus giving to the minister a veto or negative, without reasons, upon all the proceedings of the session. The Assembly of 1719 having thus given decided indications of being influenced by the two leading elements of moderate policy,—namely, subserviency to secular influence, and a desire of clerical domination,—can, of



course, have no weight with intelligent and sound-hearted Presbyterians. Neither of these overtures became the law of the church.

Mr Robertson is "inclined to think that the case of Aberdeen (in 1726) was among the very first in which, after a regular call from heritors and elders, the church showed any reluctance to proceed to the settlement of the party called, there being no other ground of hindrance in the way than a dissent, without reasons, from the male heads of families." The best ministers of the church at that period took a very different and much more correct view of the matter, and regarded the proposal to intrude a minister upon a reclaiming congregation as a sad mark of degeneracy,—a melancholy departure from the established principles and practice of the church. The following interesting passage from "Willison's Testimony" proves this, and also gives a sad picture of the progress of corruption in the church at this period:—"When Principal George Chalmers adventured to accept a presentation to the church of Old Machar, several young men took courage and followed his example; and though at first they qualified their acceptances with having the people's consent, yet they would not retract them after the people showed their aversion to them; which occasioned many intrusions and violent settlements through several places of the church, contrary to our known principles. These intrusions came gradually into the church, but were not commonly practised, nor countenanced by superior courts, till after the year 1728. For we find the Assembly 1725, after a great struggle about calling a minister to Aberdeen, appointing that, besides the voting of the magistrates, town council, and elders in the call, the inclinations of heads of families shall be consulted about it. And the Assembly 1726 censured the Commission for proceeding to transport Mr James Chalmers from Dyke to Aberdeen, without having due regard to the inclinations of the people of that city, who opposed his call. But, alas! our Assemblies did not continue long in such a disposition; for they and their Commission began soon afterwards to pay more regard to patrons and heritors in planting of churches, though few of these were hearers, than they did to the whole body of the people that attended ordinances. The Crown having the patronage of most of the churches of Scotland, this melancholy turn of affairs was thought to be brought about by strong court influence, and

by the activity of several leading ministers, who had their dependence upon, or expectations from, that airth. These began to vent themselves in judicatories against the rights of the Christian people, *and to assert that there were no stated rules nor directions in Scripture about the calling of ministers, or who should be the electors.* Some of them wrote pamphlets against the people's rights, pretending to answer the Scripture arguments for them; and maintained that the clergy or judicatories were the proper electors. These were sufficiently answered by Mr Currie, Mr Hill, and others; but their opponents had the ascendant in judicatories, and carried things there as they pleased. At this time the Church of Scotland was in a most lamentable condition, and the wrath of the Almighty seemed to be kindled against her, in letting loose many adversaries at once to attack and destroy her; for, at the same time, we find her many ways dreadfully tossed and shaken,—as by patronages and intrusions, pushed on by the Court and great men,—by *Independent* schemes, and constitutions of churches, zealously promoted by Mr Glas and Mr Archbald,—by Arian errors, taught and propagated by Professor Simson,—by many gross errors vented by others, both Presbyterian and Episcopal,—and by legal sermons and moral harangues (to the neglect of preaching Christ), introduced by many of the young clergy. All these evils, working and fermenting through the land at once, occasioned dreadful shocks and convulsions in this national church, likely to rend her in many pieces. Yet, alas! we were not sensible of, nor suitably affected with, our danger and misery, nor with the sins which were the procuring cause of all.”\* It is deserving of notice, that it was the discussion on this case, in the Assembly of 1726, that was the occasion of the publication of a very excellent treatise of Currie's, which, we rejoice to learn, is recently republished, entitled, “*Jus Populi Divinum*; or, the People's Right to Elect their Pastors.” Currie himself, in speaking of this work in a subsequent production, called “The Search,” says,—“The occasion of publishing ‘*Jus Populi Divinum*’ in 1727, was a long debate in the General Assembly 1726, where sundry arguments were advanced, not only against the voice, but also against the consent of the people, as needful to a minister's call. At which time it was asserted in the face of the whole Gene-

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\* Pp. 55, 56.

ral Assembly, that though there was much talk of the right of the Christian people to elect their ministers, yet there was nothing in Scripture to countenance it.”\*

It is a remarkable and interesting fact, that the leading objection adduced against the Act of Assembly of 1732, “anent the method of planting vacant churches,” which was passed in violation of the Barrier Act, and was the immediate cause of the Secession, was, that it did not contain a provision against intrusion, and did not require the consent of the people as necessary, and that (what Mr Robertson would have probably mentioned if he had been aware of it) a proposal to introduce a clause to this effect was made in the Assembly and rejected. Some of the members of the Assembly, among whom was Ebenezer Erskine, tendered a dissent or protest against the passing of the Act; but the Assembly, with that overbearing tyranny which has always been another leading feature of Moderatism, refused to enter it. Their own statement of the matter is this:—“When we were refused to have our dissent entered, and that we still insisted on that point of right, it was proposed by some members, that for the sake of peace, we should be allowed to have our names marked as having dissented without any reasons subjoined, but that *was refused*; and thereafter it was proposed by others, that at least it might be recorded that some dissented, without mention either of names or reasons, *but that also was refused*”! They, in consequence, published their protest, in which they strongly object to the Act, not merely because the passing of it was a violation of the Barrier Act, but because it was based on principles inconsistent with the word of God, the constitution of the Church of Scotland, and the rights of the Christian people; with a full vindication of it, in an able pamphlet, entitled “The Defection of the Church of Scotland from her Reformation Principles;” and this pamphlet contains the statement to which we have referred:—“Wherefore was this point fixed, that no man was to be thrust upon a parish against their will, or of the majority of them, we should by no means dispute, whether the election was performed by heritors, or elders, or the Presbytery; and had such a clause been allowed to enter the Act in question, we are persuaded our church had met with no disturbance from our protest. But notwithstanding-

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\* P. 5.

ing that this seems to be so indispensably necessary, and was proposed at forming, or rather reforming, the draft of this Act last Assembly, yet it could by no means be allowed to enter into it, and is therefore the principal ground of our present complaint.”\* It is proper to mention, that the authors of this pamphlet supported the right of the people to choose their own ministers, but, like many others who held this principle, regarded their free consent as the great indispensable requisite, and thought the church bound, as a matter of express and solemn obligation, to prevent intrusion, even though she might not be able at the time to do more.

Mr Robertson would have us to believe that the church, having been most strenuously opposed to the restoration of patronage in 1712, and continuing to reclaim against it on every seasonable occasion, was thus led to countenance or to connive at views of the rights of the people, on the part of some of her ministers, of a more popular kind than had previously prevailed in the church; and that this accounts for the strong assertions put forth about the time of the Secession, both by those who seceded and by those who did not, as to popular election and the unlawfulness of intrusion. This is a mere fiction, to be excused only on the ground of ignorance. No views were put forth about the time of the Secession, either within or without the church, by the friends of popular rights, which had not been held and maintained in substance by the Presbyterian Church since the Reformation; and the reason why they were brought forward at that time with peculiar zeal and prominence, was this, that whereas formerly the church had only submitted to arrangements made on this point by the civil power without her consent, she now proposed formally and directly to establish a defective and erroneous system by her own ecclesiastical authority,—a system into which she had positively refused to admit even a provision against intrusion.

There is but one point, and that a subordinate one, in regard to which there is anything like evidence that any of the ministers of our church about this time held higher views than had formerly prevailed, and this was in asserting, as some of them did, the unlawfulness of accepting a presentation. But even upon this

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\* P. 9.

point there does not seem to have been anything asserted substantially different from what was held, as we have seen, by the church immediately after the Restoration. For they seem to have then regarded the acceptance of a presentation as certainly implying a determination upon the part of the presentee to enforce his rights, even though the parish were averse to his settlement,—a course of conduct which would have called forth the severest censures of the church at every period of her history, until Moderatism gained the ascendancy; and, moreover, they rested their objection to the acceptance of a presentation very much upon the ground, that as the Act of Parliament 1719 rendered a presentation null and void unless it were accepted, the acceptance of presentations as a practice sanctioned by the church, was virtually a refusal to embrace a provision fitted and intended to redress the grievance of patronage; and was also on the part of the presentee, in consequence of the construction then put upon this statute, a much more direct and formal homologation of patronage than the mere act of acceptance in itself necessarily implied.

The overtures of 1719, and of 1731 and 1732, and the violent settlements which had been perpetrated in the interval, were owing chiefly to the influence of *some leading men, who, being returned every year to the Assembly, had contrived to secure the management of its affairs, and who especially had got the complete control of the Commission.* There were still scattered over the church many ministers of true piety and sound principle, but they had fallen into a state of apathy and disorganization. They were roused, however, into activity by the proceedings of the Assemblies of 1732 and 1733, and became alarmed at the prospect of a secession. Accordingly, the General Assembly of 1734 contained a great number of men of piety and principle, and they passed several excellent Acts, which, we think, ought to have prevented the Secession, and which were sufficient to throw the responsibility of the separation upon the Seceders. They saw that patronage was the real root of the evil, and that, unless it was abolished, the Secession was likely to continue and to advance; and accordingly, the Commission of that Assembly sent a deputation to London, with the view of getting the law of patronage repealed. This deputation consisted of Gordon, minister of Alford, Willison of Dundee, and Mackintosh of Errol, who received the thanks of the Assembly of 1735 for their “faithfulness

and diligence in prosecuting the design of that mission." This Assembly was animated by a similar spirit, and appointed commissioners "to repair to London and make the proper applications to the King and Parliament, for redress of the grievance of patronage." And, at the same time, "they recommended to members and ministers of this church, to use their interest with members of Parliament to consent to the easing of the church of this grievance, and that ministers and others be instant in prayer to God, that He may prosper the endeavours used for this end." This application was unsuccessful, and the Assembly of 1736, still partaking in the same good spirit, passed a solemn resolution, on the motion of Lord President Dundas, that "the church is, by her duty and interest, obliged to persist in using her best endeavours from time to time to be relieved from the grievance of patronage, until the same shall, by the blessing of God, prove successful." This Assembly also passed an "Act against intrusion of ministers into vacant congregations," in which they declare, "that it is and has been since the Reformation, the principle of this church, that no minister shall be intruded into any parish contrary to the will of the congregation." They likewise passed an Act limiting the powers of the Commission, by which chiefly violent settlements had hitherto been effected. And what is peculiarly interesting, as indicating what the whole history of our church illustrates,—the close connection between a regard to the interests of sound doctrine and a regard to the rights of the Christian people,—they passed an admirable "Act concerning preaching," directed against the anti-evangelical style of instruction which was already prevailing among the younger clergy.

We may here say, as Calderwood said when he came to 1596—"Here end the sincere General Assemblies of the Church of Scotland." The Assembly still continued, indeed, to instruct their Commission "to make due application to the King and Parliament for redress of the grievance of patronage," but this was a mere empty form. Patronage was now, through the subserviency of church courts, more rigidly enforced; violent settlements were more frequently perpetrated; ignorant, heretical, and immoral men were introduced in great numbers into the ministry, and almost every attempt to bring them to punishment was discountenanced and quashed; corruption spread on every side; in short, Moderatism reigned with undisputed sway. At last, in 1784, the

instruction to the Commission, embodying a virtual protest against patronage, was dropped; and thus vice ceased to render, by hypocrisy, the homage due to virtue. Let us hear Dr M'Crie's account of the condition of the church in 1784,—an account which is certainly not exaggerated:—"From the Revolution down to the present day, never were the interests of religion sunk lower within her pale than they were in the year 1784; truth and godliness sickened and pined away under the influence of false philosophy and a spurious moderation; Socinianism had notoriously infected the minds of not a few of the clergy; and we know, from the highest authority, that some of the most active managers in ecclesiastical affairs could with difficulty be restrained from bringing forward a motion for discarding the Confession of Faith, and all tests of orthodoxy: a fit motion to accompany its predecessor, which virtually declared, in the face of the unanimous judgment of the Church of Scotland from the beginning, that Patronage was no grievance!" And he adds,—“If our rowers wish to shipwreck the vessel of which they have obtained the management, they will steer it by the lurid star of 1784.”\*

Nothing more was done by the church in this matter till a few years ago, when the revival of sound doctrine and of vital godliness, that had been for some time going on, led to the bringing forward of the old principles about the evils of patronage, the rights of the people, and the unlawfulness of intrusion. The result was, that after two or three years' struggle, the Moderate party were defeated; and the Veto law was passed for the one single purpose of securing that the principle of non-intrusion should be henceforth uniformly acted on. This principle embodied in the Veto Act is in accordance with the word of God,—the principles and practice of the primitive church,—the doctrine of the great body of the Reformers,—the original constitution of the Protestant Church of Scotland,—the general mind of the church in every age down till the restoration of patronage in 1712,—and the convictions of almost all the most holy, able, and learned men that have adorned its history; and it would therefore be at once most sinful and most disgraceful in the church were she to abandon or compromise it.

It is a great truth, resting upon the surest grounds both of

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\* "What Ought the General Assembly to Do?" pp. 17, 18.



argument and authority, that no minister should be intruded into any parish contrary to the will of the congregation. This truth, in its natural and obvious meaning,—the meaning which we attach to it,—the Church of Scotland solemnly declared, both at her first reformation from Popery, and at her second reformation from Prelacy and the ecclesiastical supremacy of the Crown; she acted upon it in the exercise of the power conferred by the Act 1690: and now that, in the good providence of God, she has thrown off the galling yoke of Moderate domination, which degraded and disgraced her for a century, she has again solemnly pledged herself to the maintenance and the enforcement of the same great principle. She has already encountered difficulties and dangers, merely because she has refused to abandon the principle of non-intrusion, and to resume the practice of thrusting ministers upon reclaiming congregations; but she has held fast her integrity, and we are persuaded that she will do so unto the end. The result may be—through the infatuated folly of our adversaries—that the Established Church of Scotland may be overthrown. But for this the church will not be responsible. She has simply to discharge her duty to her only King and Head, and that duty is to keep the great principle of non-intrusion embodied in her statute-book, and faithfully to act upon it. In asserting and enforcing this principle, she is walking in the footsteps of the apostles,—the reformers,—and the martyrs,—of all who laboured or suffered for Christ in Scotland, from the Reformation till the restoration of patronage. Being “compassed about with so great a cloud of witnesses,” we trust she will “run with patience” the race set before her, “looking unto Jesus, the author and finisher of our faith.”

Her present duty, however, does not consist merely in continuing resolutely to maintain the principle of non-intrusion as a part of her public ecclesiastical profession, and to act upon it faithfully in practice, but also in endeavouring to get the whole matter of the appointment of ministers put upon a right scriptural footing. The church is bound to ascertain, from Scripture and reason, what are the principles that ought to regulate the subject of the appointment of Christian ministers. These principles she is bound to assert and maintain as truths, and to do her utmost to carry into full practical effect. The consideration of the extent to which she may submit to arrangements imposed upon her, that may somewhat obstruct the full practical operation of these principles, in-

volves questions of no small difficulty, which no man of sense or intelligence will ever think of trying to dispose of by a sneer or a taunt. But it cannot surely be disputed, that she is bound to assert and to contend for the whole truth upon this subject—to protest against its neglect or violation—to exert herself to the utmost to have the regulation of the whole matter brought into conformity with all that the word of God sanctions or requires. Nothing is more fully accordant with the word of God, and with the principles which have ever been maintained by the Church of Scotland, than to protest against lay patronage as an anti-scriptural imposition—a grievous oppression. And if ever it was the duty of the Church of Scotland to protest against patronage, and to demand its abolition, it is eminently so at the present day, when God is placing her in circumstances in which she can scarcely fail to see that the civil rights of patrons are the source of her difficulties and dangers, and when she is manifestly called to strive to root up this plant which her heavenly Father hath not planted. If the church now declines to protest against patronage, and to demand its abolition, she will be turning a deaf ear to the admonitions and warnings of God's providence, and refusing to discharge the duty to which He is calling her.

Her present position must be maintained,—the principle of non-intrusion must be asserted and acted upon,—that is, she must continue to declare that she will not thrust ministers upon reclaiming congregations, and she must act faithfully upon this resolution; but that is no reason why she should not seek to go on unto perfection—to have the buyers and sellers wholly driven out of the temple, and to have the whole matter of the appointment of ministers brought into conformity with the word of God,—the practice of the apostolic and primitive church,—the doctrine of the Reformers,—and the principles of her own standards. It is as much the duty of the church to aim at having the whole subject of the appointment of ministers brought into conformity with every intimation of God's will regarding it, as it is the duty of men, in general, to attend upon the means of grace; and the church has no more right to expect that Christ will give her pastors after His own heart, when the arrangements connected with their election and admission are not in accordance with His will, than men have to expect the communications of divine grace, when they neglect the ordinances which God has appointed. Our ancestors under-

stood this principle, for we find that the Assembly of 1644, in a letter to their commissioners at the Westminster Assembly, used these memorable words, which ought to be engraven upon the hearts, and ought to influence the conduct, of all the members of our church : “ When the ordination and entry of ministers shall be conformable to the ordinance of God, there is to be expected a richer blessing shall be poured out from above, both of furniture and assistance upon themselves, and of success upon their labours.”

## CHAPTER XII.

### THE PRINCIPLE OF NON-INTRUSION.\*

ABOUT ten days after the Disruption of the Established Church of Scotland, Sir William Hamilton, the Professor of Logic, published a pamphlet entitled, "Be not Schismatics, be not Martyrs, by Mistake ; a Demonstration that the Principle of Non-Intrusion, so far from being fundamental in the Church of Scotland, is subversive of the Fundamental Principles of that and every other Presbyterian Church Establishment ; respectfully submitted to the Convocation Ministers." As the intrusionists, who had never been able to produce anything in support of their views which had even the appearance of learning, were boasting prodigiously of this pamphlet, as conclusive and unanswerable, I published two letters upon the subject in the *Witness*, for the twofold purpose of warning them against relying upon Sir William's apparent knowledge of the subject, and defending myself from some personal attacks which he had made upon me. Sir William addressed a letter to the *Witness*, in reply to the first of mine ; and I answered it in a third letter, published through the same channel. I intended to have reserved whatever more might seem necessary in the way of answering Sir William's Demonstration, till after the promised publication of his Second Part, which was to contain an examination of the ecclesiastical constitution of Scotland, and of the sentiments of the leading men who were concerned in the formation of our ecclesiastical polity. Sir William was careful to let the public know how short a time he took to prepare his First Part, by adopting the somewhat singular expedient of putting upon the first page of it a date which was just a fortnight previous to its actual publication. He then promised to publish

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\* From Dr Cunningham's " Animadversions on Sir Wm. Hamilton's pamphlet entitled, ' Be not Schismatics, be not Martyrs, by Mistake,' " published in 1843, soon after the disruption of the Church of Scotland. (Edrs.)

his Second Part, "without unnecessary delay." Five months of the academical vacation have passed since that time, and no word yet of his Second Part. Whether this "delay" was "necessary" or not, I cannot of course determine; but as I have waited patiently for five months, and must immediately, if I am spared, enter upon occupations which will leave me no leisure for answering Sir William, I have resolved to republish the Letters which appeared in the *Witness*, accompanied with some preliminary and supplementary observations.

*Sec. I.—Alleged Errors of Theologians.*

Sir William, feeling apparently that there was a considerable antecedent improbability, that such a body of men as recently left the Established Church of Scotland should have become "Schismatics and Martyrs by mistake," thinks it needful to begin with proving by instances, that, on various occasions, whole bodies of eminent theologians have fallen into grievous error. All this was quite unnecessary. Nobody has alleged that the evangelical party are infallible, and nobody would have disputed Sir William's right to discuss their principles, or their obligation to consider his arguments; although most men will probably think that, considering the character and standing of the men whom he addressed, and his own very imperfect knowledge and very cursory examination of the topics he discusses, he might have conducted his "Demonstration" in a somewhat less presumptuous style. It would be easy to produce some striking instances of men possessed of high talents, and of extensive erudition upon other subjects, who, when they entered upon the field of theology, which they had examined only perfunctorily, exposed themselves to ridicule and contempt. But this would be of no real use in discussing Sir William's "Demonstration." By the course he has taken in this matter, he has an opportunity at once of making a fuller display of his learning, such as it is, upon ecclesiastical subjects, and at the same time manifesting his dislike of some men who have been eminently useful in promoting the interests of religion.

His first instance is taken from the conduct of Luther, and some of the other Reformers:—"Among other points of Papal discipline, the zeal of Luther was roused against ecclesiastical

celibacy and monastic vows ; and whither did it carry him ? Not content to reason against the institution within natural limits and on legitimate grounds, his fervour led him to deny explicitly, and in every relation, the existence of chastity as a physical impossibility,—led him publicly to preach (and who ever preached with the energy of Luther ?) incontinence, adultery, incest even, as not only allowable, but, if practised under the prudential regulations which he himself lays down, unobjectionable, and even praiseworthy. The epidemic spread ; a fearful dissolution of manners throughout the sphere of the Reformer's influence was for a season the natural result. The ardour of the boisterous Luther infected, among others, even the ascetic and timorous Melancthon. Polygamy awaited only the permission of the civil ruler, to be promulgated as an article of the Reformation ; and had this permission not been significantly refused (whilst, at the same time, the epidemic in Wittemberg was homœopathically alleviated, at least, by the similar but more violent access in Munster), it would not have been the fault of the fathers of the Reformation if Christian liberty has remained less ample than Mahomedan license. As it was, polygamy was never abandoned by either Luther or Melancthon as a religious speculation : both, in more than a single instance, accorded the formal sanction of their authority to its practice, by those who were above the law ; and had the civil prudence of the imprudent Henry VIII. not restrained him, sensual despot as he was, from carrying their spontaneous counsel into effect, a plurality of wives might now have been a privilege as religiously contended for in England as in Turkey.\*

This paragraph is just an exaggerated summary of the accusations which the champions of Popery have been accustomed to adduce against Luther upon these points. It is written evidently in the same spirit against Luther which the agents of the mystery of iniquity have usually exhibited, though it contains

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\* "This is an anecdote unknown to all English historians,—nay, as far as I know, to all ecclesiastical writers. It is also, I believe, unknown, that a reverend Professor of Divinity in Scotland, afterwards a Right Reverend Father in England, tendered to Charles II., in his officio-theological capacity, a formal consilium in favour

of polygamy ; exhorting 'the Defender of the Faith,' and 'Supreme Head of the Church,' to set the example to his subjects of so evangelical a reform. It will be admitted, I presume, that Charles did one wise thing at least, in not complying with this ghostly advice. I refer to Burnet."

a larger amount of misrepresentation than the more prudent Papists have ventured to indulge in. It is well known that Luther, in his zeal against some of the doctrines and practices of Popery, made rash and offensive statements about marriage and divorce, of which the Papists took advantage, and which his friends and followers could not fully defend. But that he ever preached, as Sir William has here alleged, in defence of incontinence, adultery, and incest, is a calumny of which no proof has been adduced, and of which even some Papists would be ashamed. Besides charging Luther with preaching in defence of incontinence, adultery, and incest, Sir William's statement is plainly intended to convey the ideas, that Luther, Melancthon, and the Reformers generally, had a deliberate opinion in favour of the lawfulness and propriety of polygamy,—that they wished this opinion to be acted upon, and recommended to the civil authorities to establish it by law,—and that it was just because the civil authorities refused to adopt their views upon this point, that polygamy was not established as the law of the Reformed churches. Sir William has produced no evidence of these startling positions; and it is enough, therefore, at present, that we meet them with a flat contradiction, and denounce them as slanders.\*

Sir William refers to the permission granted by Luther and Melancthon, in two instances, to princes to marry a second wife while their first was alive and undivorced. The case of the Landgrave of Hesse is well known, and Luther's conduct in this matter is probably the darkest spot in his history. But Luther's conduct and statements on that occasion, so far from proving the truth of Sir William's allegations that he approved of polygamy, and wished it sanctioned by civil authority, prove that they are unfounded; and, accordingly, the more respectable Popish writers adduce this affair, not as proving what Sir William insinuates against him, but as showing that for political objects, and on grounds of expediency, he sanctioned, under the plea of necessity, what he knew to be wrong.

The "anecdote" of which Sir William speaks in his note is, it is presumed, the insinuation contained in the text, that Luther and Melancthon advised Henry VIII. to marry a second wife

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\* See "The Reformers and Theology of the Reformation," p. 75. etc. (Edra.)



without divorcing his first; and his statement that this "anecdote" is "unknown to all English historians, nay, as far as I know, to all ecclesiastical writers," is evidently intended as an insinuation of his own extraordinary learning, in knowing what "all English historians and all ecclesiastical writers" were ignorant of. There is, however, no such mighty mystery, and no such ground for boasting, about the matter. That an allegation to this effect has been made, and that a considerable degree of probability attaches to it, is well known to all who have any acquaintance with the original sources of information about the case of the Landgrave of Hesse; for the truth is, that this anecdote, about which Sir William makes such a foolish mystery, and about which he evidently supposes that nobody knows anything but himself, rests upon a statement to this effect, made by the Landgrave of Hesse in his memorial to Luther and Melancthon, and upon the fact that in their answer they did not deny it. The documents upon this subject are at least as well known to many ecclesiastical writers as to Sir William Hamilton.

My attention has been directed to two articles in the *Edinburgh Review*, understood to be the production of Sir William, in both of which this charge is also adduced against Luther. The first article\* is on the "Admission of Dissenters to the Universities;" and yet Sir William, if he be the author, has contrived to drag into it the story of the Landgrave of Hesse. It indicates a very peculiar liking to this painful story, to thrust it first into an article upon the admission of Dissenters to the Universities, and then into a pamphlet on non-intrusion. The other† is entitled "Luther and the Reformation," and professes to be a review of the first volume of D'Aubigné's History of the Reformation. It seems directed mainly to the object of lowering the character of Luther, and of counteracting the impressions concerning him which D'Aubigné's admirable work is so well fitted to produce. Sir William seems, to use an expression of his own, "to fly as pestilential" everything that indicates the operation of Christian principle and motive, and "to pounce as treasure-trove" upon everything that is fitted to diminish the respect and esteem entertained upon religious grounds for the great Reformer. It is

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\* Vol. lx.

† Vol. lxviii.

deserving of remark, however, that the author of these articles did not then venture to assert, as Sir William now does, that Luther preached in defence of incontinence, adultery, and incest, or to insinuate, as he now does, that Luther wished polygamy to be established by civil authority.

Sir William evidently supposes that the story of Bishop Burnet advising Charles II. to take a second wife is also a great mystery, known only to men of extraordinary learning like himself. But if he had happened to have read the 177th page of the latest and cheapest edition of Burnet's *History of his Own Times*, published at London in 1838, he would have been aware that a knowledge of this fact was quite accessible to the general public, and that it was therefore not a topic about which a man of his erudition should have condescended to boast.

Sir William's next attempt to prove, what needed no proof,—namely, that large bodies of theologians have sometimes fallen into error,—is taken from the opposition of the Church of Scotland in 1712 to the bill for sanctioning the erection of Episcopalian meeting-houses, and the public administration of Episcopalian worship. It is true that the General Assembly did zealously and unanimously oppose this bill, and Sir William labours to excite a strong prejudice against them on this account. It must be confessed that at that time the principles of toleration were not very fully understood, and that, though generally admitted in the abstract, they were not always carried out to their legitimate consequences. Sir William has laboured to excite a great odium against the Church of Scotland for her conduct on that occasion; and though, of course, we do not defend it, yet it is right to mention, that there were some circumstances in the case which tended materially to palliate it. This bill was generally regarded by the Presbyterians as forming, along with the infamous Act restoring patronage, part of a scheme, framed by Queen Anne's Tory Ministry, for overturning the Union, for re-establishing Episcopacy in Scotland, and bringing back the Stuarts; and they were confirmed in this conviction, by observing that a measure to extend the privileges of Episcopalian Dissenters in Scotland was accompanied by a proposal, in the Occasional Conformity Bill, to diminish the privileges of the Presbyterian Dissenters in England. It was this conviction that chiefly occasioned their zeal against the bill, and led them to employ the

strong language which Sir William has laboured to hold up to ridicule.

Sir William has not only made an attack upon the Church of Scotland in this matter, as guilty of "outrages on religion, and reason, and common sense," but he has also made it the ground of an assault upon the integrity of an eminent individual. He tells us that the clergy soon became ashamed of their intolerance and bigotry,—adduces a strong statement, made in 1714 by Steele, against Scotch intolerance,—and then quotes a reply made to Steele's observation, in a preface to the Collection of Confessions in 1719, by "one of the most distinguished members" of the church. He charges this reply with "a want of candour," and gives an extract from the preface to establish the charge. The important part of the extract is this: "It is a truth as clear as the sun, that there is no such thing as persecution in our church,—that persons enjoy as undisturbed a freedom of thought in our country as anywhere else, and upon a change of their sentiments, never feel such an alteration in the climate as should force them to live elsewhere. Nor can any one instance be given where ever any man was fined, imprisoned, or exposed to any hardship, because of his departing from our Confession." And then he adds, "It might be too much to expect the reverend Principal to have stated *how long* this blessed state of things had lasted, and by *what power*, and in opposition to *what resistance*, it had been introduced."

Sir William evidently pleases himself with the notion, that he has here inflicted a deadly wound upon the integrity of "one of the most distinguished members" of the church, whom he styles "the reverend Principal." He plainly supposes that the author of the preface was Principal Dunlop, who died about twenty years before the preface was written. The author of the preface, as is well known to every one acquainted with these matters, was the Principal's son, who was Professor of Church History in Edinburgh, but never attained to the dignity of Principal. Neither was there any inconsistency, as Sir William alleges, between the opposition of the church to the bill of 1712, and the sentiments quoted by him from Dunlop's preface, *in the sense in which these sentiments were then understood*. This may seem strange to those who, like Sir William, are very imperfectly and superficially acquainted with the subject; but the fact is certain, and can be easily proved. There had been no laws in Scotland since the

Revolution against men professing and publishing Episcopalian principles,—no laws requiring them to attend the Established Church,—no pains or penalties inflicted upon these accounts. It was then held by many, that this was all that toleration implied, and that while the Episcopalians enjoyed this liberty, they could not be said to be persecuted, even though they were not permitted to have meeting-houses for the public administration of their worship; so that if the author of the preface had been called upon “to state how long this blessed state of things had lasted,” etc., he would have had no hesitation in saying that it had lasted since the Revolution,—that it was an immense improvement upon the state of matters, in regard to Dissenters, which existed before that era,—and that the liberty thus granted to Episcopalians had had the full consent and approbation of the Presbyterian Church.

That these were the views generally entertained at the time by the Church of Scotland upon this subject, could be easily proved by extracts from the pamphlets published in the controversy about the toleration of Episcopalian worship, when it first broke out in 1703. Let it be observed, that I do not contend that they then fully understood the principles of toleration, or that they were right in thinking that it was no persecution to prevent Episcopalians from having meeting-houses for public worship. I am simply stating what their views upon the point really were, *for the purpose of vindicating Professor Dunlop from a charge which Sir William has brought against his integrity and candour*; and though the point is of no great importance in itself, it affords a good illustration of Sir William’s ostentation of learning on points of which he is really ignorant, and which have no connection with the subject in hand, and of his eager desire to make attacks upon men’s character, when a little more knowledge of the subject would have shown him that they were wholly unfounded. It affords, likewise, an illustration of the general position, which Sir William would do well to attend to,—namely, that in order to bring out fully and accurately the sentiments of men, something more is necessary than merely to grub up and to patch together two or three hastily-collected extracts from their works.

It may surely be affirmed that Sir William, by his preliminary flourishes about Luther and Melancthon, and the opposition of

the Church of Scotland to the toleration of Episcopalian meeting-houses, and Dunlop's preface, has done nothing to prepossess competent judges in favour either of the spirit by which he is animated, or of the extent and accuracy of his knowledge of ecclesiastical subjects.

*Sec. II.—Views of Calvin and Beza.*

Sir William Hamilton has persuaded himself, and thinks he can "demonstrate to the satisfaction of all reasonable minds," that the Convocation ministers had fallen into "a simple error of fact,"—a thorough mistake,—a perfect delusion,—in imagining that non-intrusion, in their sense of it, was a sound and fundamental principle; and he evidently pleases himself with the idea, that if his "Demonstration" had been published sooner, he would have convinced them of this, and thereby have prevented the Disruption. He asserts, and undertakes to prove, that we are "completely, unambiguously, and notoriously wrong," and that "the grounds on which certain of your party had attempted to support their own views, and succeeded in persuading you, were, perhaps,—I speak it advisedly,—the most signal and melancholy perversion of truth to be found in the whole annals of religious controversy." And accordingly he has "collected a body of evidence sufficient to establish this inexpugnably."

When I read these mighty boastings, and recollected the high reputation which Sir William deservedly possesses for talent and learning, I was, I confess, somewhat anxious to see the evidence which he had to adduce, and was greatly relieved when, on perusing his pamphlet, I found that he had produced nothing of any material importance, but what was well known to all who were conversant with this subject,—nothing but what in substance is to be found in the speeches of Lord Corehouse and Lord Medwyn, these great storehouses of Moderate learning,—nothing of any moment but what I had answered by anticipation in a pamphlet published two years and a half ago, with which Mr Robertson of Ellon has never, to use his own phrase, "ventured to grapple," but on which Sir William does me the honour to animadvert. I do not mean to insinuate that Sir William has borrowed his materials, like Mr Robertson of Ellon and the Moderates, from Lord Corehouse and Lord Medwyn. He has

evidently examined\* the original sources of information for himself, and is far better acquainted with the subject than any other person, clergyman or layman, who has recently come forward in defence of intrusion. But this is no great praise; and it is evident that Sir William is very imperfectly and superficially acquainted with the views and sentiments of those whose opinions he discusses. This would have been no reproach to him, as he is not by profession a theologian or ecclesiastic; but it ought to have prevented him from writing on this subject, and especially from writing in the very peculiar tone and style which he has thought himself entitled to assume.

Sir William, of course, agrees with Papists and Moderates, in maintaining that the doctrine, that no minister be intruded upon any congregation against their will, or without their consent, means merely, that the congregation are to have an opportunity of giving in objections against the person who may be proposed to them as their pastor, but that it does not preclude the church courts from intruding a pastor upon a reclaiming congregation, when they think the objections of the people unfounded. And what he has already published is directed to the object of proving that this was the view taken of the principle of non-intrusion by Calvin and Beza, and the Reformed churches generally; while, in a second part, which he is preparing, he is to prove, that this is the view which is sanctioned by the constitution of the Church of Scotland. Even if Sir William could establish all that he has attempted, or seems yet to propose, upon this subject, it would still be folly and presumption to expect that the Convocation ministers would abandon the ground they had assumed. Has he never happened to hear that they profess to have established the principle of non-intrusion, as they understand it, from the word of God, and as a clear deduction of reason from liberty of conscience, the right of private judgment, the nature of the pastoral relation, and the welfare of religion? Unless convinced that their arguments derived from these sources were destitute of all validity, they would not have been affected in their practical procedure even by an "inexpugnable" proof, that their principles

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\* I have to acknowledge an inaccuracy of language here. I should have said, "looked into," instead of "examined." Sir William has evi-

dently not subjected the various statements of the Reformers to any process deserving the name of *examination*.

were not sanctioned by Calvin and Beza, and the great body of the Reformers.

I may, perhaps, after Sir William shall have published his second part,\* take the trouble of making an exposure of his Demonstration, and showing that it is inconsistent with the principles of sound logic; but, in the meantime, I offer only a very few observations, for the twofold object, of warning the Moderates against relying upon Sir William's Demonstration, and resuming their boasting that they hold the non-intrusion of Calvin and Beza, and of defending myself against some personal attacks which Sir William has made upon me. Sir William makes the following statement: †—"From what has been now adduced from Calvin and Beza, the reader may now judge of what reliance is to be placed on Dr Cunningham's statement, that these two divines held 'that the Christian people have, by God's appointment, a right to choose their own ministers; and that this right of election is substantially declared by setting forth the necessity of their consent and approbation.'‡ 'The only semblance of verisimilitude obtained for this assertion, is by quoting scraps,—by taking it for granted that these great men maintained the absurdity, that what could safely be done in the circumstances of the apostolic church, could safely be done in the circumstances of the modern world,—and by giving a wholly different meaning to the terms 'approbation,' 'consent,' etc., from that given to them by their employers.'"

That Calvin and Beza held the views ascribed to them in the passage which Sir William has quoted from my pamphlet, is certainly no peculiar notion of mine. It was explicitly asserted by their Popish adversaries, and the charge was never denied by any of their friends who defended them against the Papists. It has been asserted by almost every man of learning and ability who has ever had occasion to discuss the question. It has been denied only by incompetent and dishonest Episcopalian controversialists, who, at the same time, quoted scraps and garbled extracts from them in favour of Prelacy; and by some defenders of patronage and Moderatism, who wrote about the time of the Secession in last century.

The truth is, that the position that Calvin and Beza, and the

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\* The Second Part of Sir William's "Demonstration" never appeared. (Edrs.)

† Pp. 38, 39.

‡ "Defence of the Rights of the Christian People," p. 64. See supra, p. 367. (Edrs.)



Reformers generally, held the right of the Christian people to choose their own ministers, is one about which there is no room for an honest difference of opinion among men competent to judge of the question ; and the utmost that Episcopalian and Moderate controversialists have attempted upon this point, is to involve them in inconsistency, by producing scraps and garbled extracts from their writings, which, to ignorant and superficial inquirers, seem to be opposed to this doctrine. Calvin and Beza have asserted this principle in clear and explicit declarations, which can have but one meaning, and which by no process of ingenuity, and by no species of trickery, can be distorted or perverted ; and every one acquainted with the writings of the Reformers generally, knows that this doctrine was not only asserted by them as a distinct and separate truth, but was involved in, and mixed up with, the great principles which they maintained as to the right of private judgment, the duty of reforming the church and of establishing a separate communion, and the validity of their own mission, or their right to exercise pastoral functions.

Sir William may call the proofs which have been adduced upon this point *scraps*, but they are scraps which neither he nor any other person of his views has ever yet made a fair and honest attempt to digest. He declares that he will adduce “ the principal passages to the point contained in Calvin’s private writings,” and yet he has taken good care to abstain from producing “ the principal passages” on which I founded the opinion I expressed as to Calvin’s views, though he had them lying before him in my pamphlet. I may mention one or two of the declarations of Calvin which he sets aside as “scraps.” Calvin says : “ This, then, is the legitimate principle, that those be chosen by common suffrages who are to fill any public office in the church.” And again : “ It is an impious robbery of the church, whenever a bishop is intruded upon any people, whom they have not asked for, or at least approved of with a free voice.”

These passages, brief as they are, have been always regarded, and often adduced, as among “ the principal passages to the point in Calvin’s writings.” Why did Sir William not quote them ? Will he attempt to discuss their meaning ? Will he try to show how they can be explained away ? Let him investigate the precise meaning of the words,—let him examine the scope of the context,—let him try to prove that they are not given as statements of

what ought to obtain in the Christian church in all ages. Let him do all this if he can,—let him attempt it if he dare; but since he knew that these passages are to be found in Calvin's writings,—since he did not venture to quote them even after declaring that he would “adduce the principal passages to the point,” and of course has made no attempt to explain how they are to be explained away,—the public can be at no loss “to judge of what reliance is to be placed upon his statements.”

Although Sir William Hamilton has not fulfilled his promise to “adduce the principal passages to the point in Calvin's writings,” and has left out some of those on which he must have seen that the view he was controverting was mainly based; still he has quoted, both from Calvin and Beza, extracts which fully establish the correctness of the general account I gave of their opinions. Let any man read carefully the fifteenth section of the third chapter of the fourth book of Calvin's Institutes, in Sir William's translation,\* and say, whether it does not distinctly support the right of the people to choose their own ministers, and the necessity of their consent or approbation. In like manner, let any one read the thirty-fifth section of the fifth chapter of Beza's Confession, which is quoted by him,† and he will see that it lays down the rule that ecclesiastical office-bearers should be “elected by the church concerned,” and also speaks of the principle of non-intrusion, as if it were in substance the same thing with election.

I had quoted the last sentence of the extract he gives from the third chapter of Calvin's Institutes, and the first sentence of the extract he gives from Beza's Confession, as affording unequivocal evidence that they held the views which I ascribed to them. The extract I gave from Calvin stands thus in Sir William's translation: “We hold that this constitutes the legitimate vocation of a minister, according to the Word of God, when by the consent and approbation of the people, those are created, who have been found qualified, but that the other pastors ought to precede and preside (there is but one word in the original, *præesse*, which, Sir William thinks, includes both the ideas he has expressed: in the French, which is Calvin's own also, it is simply *presider sur l'élection*) in the election, lest the multitude may sin, either through levity, or

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\* Pp. 28, 29.

† P. 31.

evil wishes, or tumult." Can there be any doubt that this statement ascribes election to the people, and identifies it with their consent and approbation?

As to the quotation from Beza's Confession, it would have been more fair and candid if Sir William had given a sentence preceding his extract, which he had lying before him in my pamphlet; but he has given enough to prove that Beza distinctly and unequivocally asserted the right of the people to choose their own ministers. The sentence I had quoted was this,—“That the church may go on in a regular and efficient way (which cannot be done unless the word of God be purely and diligently taught, the sacraments duly administered, the property of the church faithfully applied, and, in fine, ecclesiastical discipline maintained), it is even the principal duty of presbyters to choose fit men for these functions whenever there is need of new ones. And I use the word *choose* (*eligere*) on purpose, that I may take away from men all autocratic authority, since I nowhere find that in any Christian church, already constituted, any man was advanced to the ministry of the word, or to the deaconship, or to the eldership, in any other way than by a public and free election, as we shall explain immediately, except when God chose to act in an extraordinary manner.” This extract proves these two points,—First, That Beza held that the election of ecclesiastical office-bearers, in the common meaning of the expression, belongs to the people; and, secondly, That he did not intend to assert anything inconsistent with this principle, when in a certain sense he ascribed the *choosing of ministers* to the presbytery. Sir William's extract from Beza's Confession is taken from the immediately following section, where, according to the promise given in the preceding extract, he takes up more formally the subject of election, and begins, according to Sir William's translation, in the following words:—“I repeat, what I formerly said, that it was never a practice authorized in Christian churches, already constituted, that any one should be admitted to an ecclesiastical function unless elected by the church concerned,”—referring, in proof of this position, to the Acts of the Apostles.

There can be no reasonable doubt that these extracts, taken in their natural and obvious meaning, clearly and explicitly support the statements I made upon the subject; and though Sir William “scruples not” to throw out a vague allegation about my “giving

a wholly different meaning to the terms, *approbation*, *consent*, etc., from that given to them by their employers," he has not attempted, as he was bound to do by the rules of logic and of common fairness, a critical examination of the meaning of these terms in the writings of Calvin and Beza, in order to prove that they did not use them in the sense which they commonly bear.

I cannot pretend to explain this extraordinary conduct of the learned Professor. His omission of the very tough and indigestible "scraps" which I quoted from Calvin, might not very unreasonably excite a suspicion of his integrity; but I fully acquit him of the charge of dishonesty, upon this ground, that, as I have shown, he has quoted and translated extracts both from Calvin and Beza, which are quite sufficient to establish "inexpugnably" the incorrectness of his own statements, and the accuracy of mine. Is it possible that Sir William can be ignorant enough to believe that the statements which he has quoted from Calvin and Beza, in the context of those I have produced, and which just set forth, in substance, the liability of the people to be led into error, contention, and tumult,—the consequent necessity of presbyterial superintendence and control,—and the right of presbyteries to refuse to ordain and settle a man who has been chosen by the people, if they think him unqualified or unsuitable,—are inconsistent with the principle of non-intrusion, or with the views of non-intrusionists, and that these statements, therefore, prove that they did not hold our doctrines? There is no inconsistency in the matter; and if there were, it would attach equally to Calvin and Beza as to us, for they held both as we do.

So much for the views of Calvin and Beza, as to the general place and standing of the people in the election of ministers, and the attack which Sir William has made on me on this point. I must now refer to a still more extraordinary and offensive statement he has made concerning Beza's famous Epistle.

The extract which I have given above from Sir William's *Demonstration* is succeeded immediately by the following passage:—"There is also a misrepresentation to be noticed in regard to this last consilium" (Beza's 83d Epistle, which Sir William has translated and inserted at length). "To be fully aware of its importance, that document must be read and considered as a whole. One sentence of it, as an ordinary letter, and that not the most striking, had been quoted by Lord Medwyn, and from

him by Mr Robertson of Ellon. In extenuation thereof, Dr Cunningham scruples not to assert that the letter has reference, 'not to the place or standing which the people ought to possess in the appointment of their ministers, but a much wider and more comprehensive one,—namely, the whole power assigned to the people in ecclesiastical matters by Morellius and the Independents.' No misrepresentation could be greater, and, to any one who reads the letter, none more manifest. *The problem there mooted is limited exclusively to the share which the congregation at large ought to have in the election of pastors. All has reference to this single point alone ;* and the cursory allusion to Morelli (which of itself demonstrates that he and his opinions are only incidentally touched on) is merely an historical notice of the fact of his condemnation for an opinion under which the one here refuted was in a certain sort contained."

The point adverted to in this extract is not one of much intrinsic importance, and I notice it only for the purpose of defending myself against Sir William's attack, and illustrating "the reliance to be placed upon his statements." Nothing could have convinced me that Sir William *believed* the assertions he has made as to the substance and the object of Beza's Epistle, *except the fact that he has translated and inserted it entire*. This must be allowed to be a proof of his honesty ; and yet it is very difficult to understand how any man can, after reading Beza's letter, have any doubt of the truth of my statement of its main substance and leading object, and of the incorrectness of his. It is certain that almost every defender of Presbyterian church government who has been at all eminent for talent and learning, has maintained the right of the people to choose their own ministers, and the necessity of their consent to the formation of the pastoral relation ; and yet with the general substance of the letter,—with all its principal statements, and all its leading arguments,—every intelligent Presbyterian would cordially concur. It is professedly and avowedly directed against the position, that "the constitution of ecclesiastical government upon earth is democratic ;" and its leading object is to set forth, in opposition to this doctrine, the powers which, upon Presbyterian principles, have been always conceded to church courts in the administration of the ordinary government of the church. Its great object is to prove that congregations are not entitled, by a mere vote, to abrogate or annul

the decisions of presbyteries, in administering the ordinary government of the church, or that the regulation of ecclesiastical affairs is not to be determined by a mere vote *per capita* of the whole congregation, office-bearers and ordinary members equally included. Its object is to prove, that the congregation has not "such an authority, that it shall be competent for it to *approve or reject by a majority what has been carefully pondered*, and by relation to circumstances determined on, by appointed individuals, previously, and *with the consent of the multitude itself selected*, on account of their pre-eminent integrity and prudence,"—to prove "that *all things* are not to be given over to the voices of the multitude,"—to disprove "the power of a mere numerical majority in confirming or rejecting the decrees of a presbytery." These extracts are taken from Sir William's own translation of the letter, and they plainly express its general spirit and object; and yet, after quoting it at full length, he "scruples not to assert," that the statement I gave of its substance and object is a "misrepresentation," than which "none could be greater or more manifest," and to declare that "the problem there mooted is *limited exclusively* to the share which the congregation at large ought to have in the election of pastors, and that *all has reference to this single point alone!*"

The man who, after reading Beza's letter, and especially after having his attention called to the precise point, by the statement in my pamphlet which he was pleased so flatly to contradict, could honestly give such a deliverance as to its substance and object, must be regarded as at least labouring under some singular hallucination upon this subject.

Sir William has invented a curious theory about this letter. He thinks that it was addressed to John Knox, or some other leading Scotch Reformer, and was intended as an argument against the provision of the First Book of Discipline, which gave the election of ministers to the people! Not one particle of evidence has been, or can be, produced for this notion; and it is flatly contradicted by the plain import and object of the letter itself. Sir William, however, is greatly delighted with the idea; and it is rather amusing to trace the progress of the strength of his conviction. When he first starts it,\* he thinks it was "in all probability

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\* P. 33.



addressed" to the Scottish Reformers. In the next page, he rises to "the highest probability," and becomes "almost certain;" and, before the page is finished, he is actually "persuaded" that Beza's advice here "was given to the Church of Scotland." He states *twelve* reasons which, taken together, form the ground of his "probability," rising through "almost certainty" to "persuasion." But they contain no real evidence of the position. They are a fair display of wrong-headed ingenuity, but, when regarded as the grounds of a "persuasion," they exhibit a plentiful lack of judgment, and an incapacity of estimating the bearing of evidence. We happen fortunately to possess an advice which, beyond all question, Beza did give to the Scottish Reformers, in answer to the queries of Lord Chancellor Glamis; and Sir William will not find it easy to reconcile it with the representation he has given of Beza's views. It is this:—"Existimamus tum demum bene consultum ecclesiis fore, quum ex scriptis apostolicis instaurabuntur. Instauratio vero hæc in eo posita nobis quidem videtur, ut imprimis regnum totum in regiones, et hæc rursus regiones in parœcias tum urbanas tum rusticas distribuantur; ut quam frequentissimis et quam maxime commodis locis pastores legitime, a sui Presbyterii cœtu propositi, regiæ Christianæ majestati vel ab ipsa deputatis probati, a sua denique, cui præficiendi sunt, plebe, præeunte promulgatione, recepti, collocentur." Beza here plainly requires, as necessary to the right settlement of pastors, that they be *received* by the people among whom they are to labour, and this is all that non-intrusionists, as such, contend for.

The settlement of the point as to the general substance and object of this Epistle does not bear very directly upon the question, whether the Epistle affords evidence that Beza was or was not opposed to the principle of non-intrusion; but it was necessary to advert to it in order to defend myself from the attack which Sir William has made upon me, while at the same time it affords a fair opportunity of "judging of what reliance is to be placed upon his statements." For an examination of the bearing of the Epistle upon the proper subject of controversy, I take the liberty of referring to my Defence of the Rights of the Christian People,\* where I think it is proved that, though there is a certain degree of obscurity and confusion in some of

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\* *Supra*, p. 371. (Eds.)



its statements, it affords no real countenance to the views of the intrusionists.\*

Sir William Hamilton says that I had "ventured to accuse

\* The preceding remarks in this section appeared originally in the shape of two letters addressed to the *Witness* newspaper, and called forth a reply from Sir William Hamilton. It is to this reply of Sir W. Hamilton that Dr Cunningham's subsequent statements refer. Sir William's letter is as follows:—

*King Street, 8th June 1848.*

Sir,—In yesterday's *Witness* there is a letter by Dr Cunningham, in reference to my "Demonstration." Had Dr Cunningham confined himself to any statements, of what character soever, regarding the mere matters in dispute, I should certainly never have sought permission to answer them in your journal. But he has ventured to accuse me of unfairness and dishonesty. I have been engaged, during my time, in a good deal of controversial writing; but this, I am happy to say, is the first occasion on which any antagonist has ever imputed to me any disingenuous, not to say dishonest, practices. I must therefore request, as you wish your journal to be regarded as a *witness of truth*, to allow me to say a word in refutation—and to the same public—of so odious and so groundless an accusation.

"Sir William [says Dr Cunningham] may call the proofs which have been adduced upon this point [that Calvin and Beza held the right of congregations at large to choose their pastors], *scraps*, but they are scraps which neither he nor any other person of his views has ever yet made a fair and honest attempt to digest. He declares that he will adduce 'the principal passages to the point contained in Calvin's private writings,' and yet he has taken good care to abstain from producing 'the principal passages' on which I founded the opinion I expressed as to Calvin's views, though he had them lying be-

fore him in my pamphlet. I may mention one or two of the declarations of Calvin which he sets aside as scraps. Calvin says, '*This, then, is the legitimate principle, that those be chosen by common suffrages who are to fill any public office in the Church.*' And again, '*It is an impious robbery of the Church, whenever a bishop is intruded upon any people, whom they have not asked for, or at least approved of with a free voice.*'

"These passages, brief as they are, have been always regarded, and often adduced, as among 'the principal passages to the point in Calvin's writings.' Why did Sir William not quote them? Will he attempt to discuss their meaning? Will he try to show how they can be explained away? Let him investigate the precise meaning of the words,—let him examine the scope of the context,—let him try to prove that they are not given as statements of what ought to obtain in the Christian Church in all ages. Let him do all this if he can,—let him attempt it if he dare; but since he knew that these passages are to be found in Calvin's writings,—since he did not venture to quote them even after declaring that he would 'adduce the principal passages to the point,' and of course has made no attempt to explain how they are to be explained away, the public can be at no loss to 'judge of what reliance is to be placed upon his statements.'"

In the first place, touching the former scrap, what is there said, is said in reference to the office of *Deacon*; though Dr Cunningham in his pamphlet keeps this out of view. But that the example neither of the *Diaconate* in general nor the particular example of the election of *Deacons* narrated in the text there commented on (Acts vi. 3), can possibly apply to the election of pastors or bishops, is

him of unfairness and dishonesty." This statement is not true. I thought it scarcely fair or candid that, after promising to "adduce the principal passages to the point in Calvin's writings," he should have omitted all notice of the two very important pas-

shown, among a hundred others, by Beza and the London Synod, as quoted by me, *Demonstration*, pp. 34-38.

But, in the second place, waiving this, Calvin in that scrap is only speaking of an election in the Apostolic Church; while he and Beza, and all reasonable theologians, in general scout, as ridiculous, the notion, that what was suitable in the circumstances of the Church then, can or ought to be blindly adopted under the circumstances of the Church now, merely because Apostolic.

But, in the third place, waiving both these grounds of irrelevancy, neither the one morsel nor the other asserts a whit more than had been asserted, and re-asserted, *usque ad nauseam*, in the passages unexclusively quoted by me from the places where the subject is fully and systematically treated by Calvin. In these the sacred elections are declared only to be legitimately conducted if "by the common consent" (24),—"with the common consent of the whole Church" (26),—"by the silent suffrages of all" (27),—"by suffrages" (28),—"from the suffrages of the people" (28),—"by public judgment and testimony" (29),—"with the approbation of the people" (29),—"by the testimony of all" (29),—"by the testimonies of the people" (30),—"by the consent of the quality and commonality" (30). To have added to these the two favourite fragments (which assuredly I disliked only as superfluous lumber), could not therefore have furthered, by one hair's-breadth, Dr Cunningham's end, unless he were permitted, in them, to employ the terms *voice* and *suffrage* in a different sense from that which they and the parallel expressions bear in all the other passages,—unless, in short, Dr Cunningham were allowed to understand Calvin's meaning better than Calvin himself. For, in Calvin's

declared meaning, *consent*, *approbation*, *suffrages*, etc. are predicated, when, to a minister proposed for their acceptance, the people can oppose no reasonable ground of objection.

Dr Cunningham's mode of exegesis is peculiar,—at least, precisely the reverse of mine. He flies, as pestilential, all the places in which his author treats a subject of express intent, and where, consequently, the import of his language can hardly remain obscure; but pounces, as treasure-trove, on any isolated clause, where the immediate context haply does not peremptorily of itself refute the sense which he would fasten on any ambiguous expression.

Nor is there any hope for Dr Cunningham (as he seems to trust) that he shall be able to cover his own mistakes, by fathering—of all imaginable authors—contradictions upon Calvin. In truth, the most peculiar of all the mighty marvels about Calvin is, that he who had written so much was exempt from the usual necessity of even retracting or modifying an opinion. For this I have adduced the highest possible evidence, *Dem.* 2d ed. p. 30.

Dr Cunningham further misrepresents me, and I hope his brethren also, in supposing that I had "the folly and presumption to expect that the Convocation ministers would abandon the ground they had assumed,"—"even by an 'inexpugnable' proof that their principles were not sanctioned by Calvin and Beza, and the great body of the Reformers after;"—*me*, for I expressly limited my argument to those only not neologically predisposed,—and *them*, for the Free Church has not (as yet at least) been declared a Church of *free judgment and opinion*. Indeed, the fleet of the Secession could only have been manned under a display of the old familiar flag; and sure I am, that

sages to which I then referred. But I did not accuse him of dishonesty, or anything like it. Sir William, who, as he tells us, "has been engaged during his time in a good deal of controversial writing," must surely be aware of the distinction between dishonesty, and that prejudice and partiality, producing a certain measure of what is scarcely fair or candid, from which few controversialists are altogether exempted. Perfect candour, absolute fairness, thorough impartiality, an entire freedom from prejudice and party spirit, are qualities which few controversialists have exhibited, and Sir William must not be offended at the insinuation that *he* has not yet attained them. It is a common trick of controversialists to represent their opponents as charging them with dishonesty; but they have not usually been reckoned the most honest controversialists who have resorted to this expedient.

Sir William adverts to the passages which he had omitted to notice, and tries to dispose of them in this way. "In the first place, touching the former scrap, what is there said is said in reference to the office of deacon; though Dr Cunningham, in his pamphlet, keeps this out of view. But that the example, neither of the Diaconate in general, nor the particular example of the election of deacons narrated in the text there commented on (Acts vi. 3), can possibly apply to the election of pastors or bishops, is shown, among a hundred others, by Beza, and the London Synod, as quoted by me."

I request special attention to this sentence, for it is a remarkable one. The allegation, that "what is there said is said in reference to the office of deacon," is incorrect. The statement is clear and explicit, that "those be chosen by common suffrages, who are to fill ANY PUBLIC OFFICE in the church." It is true that the statement occurs in Calvin's commentary upon the election of deacons; and, so far from keeping this out of view in my pamphlet, as Sir William "scruples not to assert," the quotation, as given there, is expressly said to be taken from his commentary upon Acts vi. 3. Whatever might have been thought or proved by Beza, the London Synod, and a hundred others, Calvin and a

should the true blue pennon of Calvin be struck, and the "free brethren," some fine morning, find themselves sailing under the bunting of Captain —, or the *black jack* (already even half unfurled) of Commodore —,

the discovery will be made with late and bitter tears for their own credulity and rashness.—I remain, Sir,

Your most obedient servant,

W. HAMILTON.

hundred others thought that the inspired account of the election of deacons afforded materials for conclusions as to the election of office-bearers generally, and not merely for apostolic times, but for subsequent ages. I shall transcribe the whole of Calvin's commentary upon this passage, from which the truth of this statement will plainly appear; and not the less so, because the validity of the argument derived from the case of the deacons in regard to the election of ecclesiastical office-bearers generally, is assumed rather than explicitly asserted or formally argued for.

“Let us see why deacons were appointed. The name indeed is general, but it is taken properly for the managers of the poor. Whence it appears how licentiously the Papists mock both God and men, who assign to their deacons no other office but to handle the paten and the chalice. Certainly there is no need of long disputation to prove that they have nothing in common with the Apostles. But if readers wish more upon this subject, they may seek it in my Institutes. With respect to the present passage,—in the first place, the election is given over to the church. For it is tyrannical that one man, whosoever he may be, should appoint ministers according to his own discretion. This, therefore, is the legitimate principle, that those be chosen by common suffrages who are to fill any public office in the church. The Apostles, however, prescribe what sort of persons ought to be chosen,—men, namely, of tried faith, endowed with wisdom, and other gifts of the Spirit. And this is a medium between tyranny and confused license, that nothing indeed be done except with the consent and approbation of the people, but that the pastors moderate, in order that their authority may be like a bridle to restrain the vehemence of the people, that they may not run into great excesses. In the meantime, it is worth while to mark, that a law is imposed upon the faithful, that they promote none but a fit person; for we do no light injury to God if we receive any sort of persons at random, who may govern His house. Wherefore the greatest care is to be taken, that no one be assumed into a sacred function in the church, who shall not have given proof of himself. The number seven was accommodated only to the present necessity, that no one may suppose there was any mystery in this circumstance. Luke's statement, as to their being full of the Spirit and of wisdom, I interpret in this way, that it was required that they be endowed both with other gifts of the Spirit, and also specially with wisdom,

without which this office could not be well executed, both to guard against the frauds and impositions of those who, though less destitute, might eat up what the poverty of other brethren required, and against the calumnies of those who, even without occasion, would not cease to complain. For that office is not only laborious, but exposed to murmurings and complaints."

Can any man who reads this passage entertain a doubt that Calvin held, *first*, That those who were to fill *any public office* in the church should be elected by the common suffrages of the people; and, *secondly*, That the election of the deacons afforded an evidence of this?

Sir William's assertion, which he plainly adduces as a proof or argument,—namely, that "the example, neither of the Diaconate in general, nor the particular example of the election of deacons narrated in the text there commented on, can possibly apply to the election of pastors or bishops, is shown, among a hundred others, by Beza and the London Synod,"—is, in so far as Beza is concerned, untrue. Beza never attempted to show this; and I challenge Sir William to produce any evidence that he did. I know that he asserted that neither the election of Matthias, nor of the deacons, affords a proof that "all things are to be given over to the voices of the multitude,"—*multitudinis suffragiis omnia permitti*; but this is a very different position, and one in which every Presbyterian will concur. The London divines asserted something like what Sir William has ascribed to them, though not in a way to warrant the very strong language he has employed upon the subject. But supposing that Beza, and they, and a hundred others, had asserted, and even proved this, would this afford any evidence as to *Calvin's* views upon the point? And does not Sir William's argument plainly require him to prove, *not only* that *Calvin* held that no argument could be derived from the case of the deacons in regard to the election of other office-bearers, *but also, moreover*, that no statement *could* occur in Calvin's commentary upon the election of deacons, which could prove that he held that the people should choose their pastors, and that any statement occurring there, and seeming to establish that position, must, however plain and explicit its terms, be of necessity perverted to a different meaning?

Is not this sentence of Sir William's a remarkable one? Its three principal assertions are untrue. The substance of the matter

is this: A passage occurs in Calvin's commentary upon the election of deacons, in which it is asserted in the clearest and most explicit terms, that "those should be chosen by common suffrages, who are to fill ANY public office in the church;" but, says the Professor of Logic, no proof can be derived from this statement that Calvin held that the people should choose their pastors, *because, not Calvin, but some other persons*, have asserted, and, as the said Professor thinks, proved, that an argument derived from the election of deacons "cannot possibly apply to the election of pastors." It is, of course, impossible to say to what species of sophism this belongs, for it has not even the appearance of argument.

In reply to Sir William's second observation upon this subject, based upon the allegation that Calvin and Beza did not regard the apostolic practice in this matter as a binding rule for the church in all ages, I have simply to ask my readers to examine carefully the extracts I have produced from them, and to say whether it be not as clear as words can make it, that they held the apostolic practice to be in substance, though not in its details, the rule by which the church was ever to be governed, and to be a full warrant for the general principle of the right of the people to the choice of their own office-bearers.

Sir William's "thirdly" is just a repetition of his leading doctrine, that "in Calvin's declared meaning, *consent, approbation, suffrages*, etc. are predicated, when, to a minister proposed to their acceptance, the people can oppose no reasonable ground of objection." The whole controversy, of course, turns upon this point. I am quite prepared to meet Sir William upon this ground, and to refute his position, if, indeed, any intelligent man, after the clear and explicit declarations I have produced from Calvin and Beza, can still believe that it needs refutation. I am well aware that there are some passages in their works which, to hasty and superficial inquirers, may seem to countenance this notion; but I am persuaded that no honest and sound-headed man, after collecting the various statements contained in their writings upon this subject, could spend an hour in a calm and deliberate examination and comparison of these different statements, and yet come to the conclusion that Calvin and Beza assigned to the people no higher place in the election of their pastors than the Church of Rome conceded to them,—namely, a



mere right of stating objections, of which church courts are to judge; or that they sanctioned the idea, that whenever the church courts think the objections of the people unfounded, they are entitled to intrude a minister upon a reclaiming congregation. Sir William has evidently never investigated this subject with care and deliberation. He has just turned over a number of books, collected a good many extracts, and without ever taking the trouble of diligently and deliberately comparing them together, with the view of bringing out what was really the mind of Calvin and Beza as to the place and standing which the people ought to have in the election of pastors, he has winked hard at some of them, given undue prominence and effect to others, and he has thus jumped to certain rash and hasty conclusions, ascribing to these illustrious men sentiments which they have explicitly abjured, and which are opposed not only to their express and specific statements, but to the whole scope and spirit of their leading principles. "It is," says Calvin, "an impious robbery of the church, whenever a bishop is intruded upon any people, whom they have not asked for, or at least approved of with a free voice." This plainly means that the congregation should have the election of their minister, or at least an absolute negative upon his appointment. And nothing certainly could neutralize the proof which it affords, that Calvin held the principles of the non-intrusionists, except an explicit declaration of Calvin himself, setting forth, *totidem verbis*, that church courts have a right to intrude a minister upon a reclaiming congregation, whenever they think the opposition of the people unreasonable and ill-founded; and no such declaration, or anything approaching to it, has been or can be produced.

Sir William next makes the following statement:—"Dr Cunningham's mode of exegesis is peculiar,—at least precisely the reverse of mine. He flies, as pestilential, all the places in which his author treats a subject of express intent, and when, consequently, the import of his language can hardly remain obscure; but pounces, as treasure-trove, on any isolated clause where the immediate context haply does not peremptorily of itself refute the sense which he would fasten on any ambiguous expression." This statement is untrue. Sir William *knows* that in my pamphlet I referred to, and more or less fully quoted, all the principal passages in which Calvin and Beza had formally, and of set purpose, discussed the subject of election; and he *knows also*, that I ad-



verted specially to the two extracts from Calvin which were there produced, *just because he had found it convenient to omit them.*

He has then another statement which is equally untrue:—“Nor is there any hope for Dr Cunningham (as he seems to trust) that he shall be able to cover his own mistakes, by fathering—of all imaginable authors—contradictions upon Calvin.” I never asserted, insinuated, or imagined, as he here alleges, that contradictions are to be found in Calvin upon this subject; and I never said anything which affords the slightest countenance to the allegation.

### *Sec. III.—Views of the Reformers.*

The only point of any real importance which Sir William has discussed, is the question as to the sentiments of Calvin and Beza in regard to the standing and influence which the Christian people ought to have in the choice and settlement of their ministers. I am rather surprised that, as his leading motive in this whole matter seems to have been an eager desire to show his acquaintance with ecclesiastical subjects, he did not attempt a discussion of the question as to the doctrine of the primitive and early church and of the canon law, in regard to the election of ministers. The testimony of the primitive church in favour of the people's right to choose their ministers, and of the principle of non-intrusion, is sufficiently clear and explicit,—so strong, indeed, as to have extorted reluctant concessions from some of the more honest of the Popish and Prelatic writers. But still it is perhaps easier, upon the whole, to get up some plausible sophisms and dexterous evasions, to obscure and mystify the testimony of the primitive church in favour of our principles, at least in regard to election, than that of Calvin and Beza, and the great body of the Reformers. And it is curious, that the leading notion by which the less scrupulous portion of the Popish and Prelatic writers have tried to evade the testimony of the primitive church in favour of the rights of the people, is precisely that by which Sir William, and other defenders of Popish and Moderate notions upon this point, have tried to explain away the testimony of the Reformers.

It is put by Cardinal Bellarmine in this way:—“Cyprian in this passage gives no power to the people in regard to the election of priests, save that of giving their testimony concerning the life

and manners of the parties proposed for ordination; and this is still observed in the Catholic Church. Cyprian says, that the people have the power of choosing and giving their vote, because they can say if they know anything good or evil concerning the party, and thus by their testimony effect that he be chosen or not chosen."\* And Blondel, in commenting upon this passage, denounces the evasion in the following emphatic and uncereemonious statement, which is enough at once to overturn the whole of Sir William's argument:—"This miserable evasion is intolerable in a grave writer, as if, forsooth, *he* could be said to have the power of choosing and giving his vote, and to be exercising this power, who can only do what a man absolutely wanting all right of choosing and voting can do whenever he pleases; or as if any one could be found so brazen-faced as to venture to deny, that even the worst of infidels may tell whatever of good or evil they may know concerning the person proposed to be ordained, and thus by their testimony effect that he be not chosen. Upon this hypothesis they will have, equally with the faithful, the right of choosing and voting."†

Sir William's leading object is just to prove that Calvin and Beza, and the reformed churches generally, gave no more power and influence to the Christian people in the choice of their pastors, than the Church of Rome concedes to them,—namely, a right of stating objections, of which church courts are to be the judges. This is, in other words, to maintain, that in the judgment of Calvin and Beza, not only had the people no right to choose their ministers, but that their consent was not necessary to the formation of the pastoral relation, and that church courts are entitled to intrude ministers upon reclaiming congregations whenever they think the opposition of the people unreasonable or unfounded. The Church of Rome concedes to the people as much weight and influence in the settlement of ministers as the present law of the Established Church of Scotland, commonly called Lord Aberdeen's Act, allows them; and Sir William has attempted to prove that Calvin, Beza, and the Reformed churches gave them no more. No man who has carefully and deliberately considered the writings of Calvin and Beza can believe this; and yet this is not the first

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\* De Clericis, c. vii. (Disputat., tom. ii. p. 100).

† Apolog. pro. Senten. Hieron., p. 383.

time the position has been maintained, even by men who had given some attention to the subject. Those Episcopalian writers who quoted garbled extracts from Calvin and Beza, to prove that they favoured Prelacy, and who followed the Papists in attempting to evade the testimony of the primitive church in favour of the rights of the people, were not likely to be very scrupulous in perverting the statements of the Reformers about election and intrusion. And, accordingly, we find that both Whitgift and Bancroft made some attempts to prove that the Reformers gave the people no more power in this matter than Papists, Prelatists, and Moderates have always conceded to them; and even Bishop Bilson, a much more able and more honest man than either of these two most reverend primates, has made an attempt of a similar kind, not, indeed, in regard to Calvin, but in regard to Bullinger and Beza. Bellarmine charged Luther, Calvin, and the rest of the Reformers, with holding, "that election and vocation belong by divine right to the whole church, that is, to the clergy and people, and in such a sense, that no one can be held to be lawfully chosen and called to the episcopate without the consent and suffrages of the people;" and none of those who answered Bellarmine denied that this doctrine was held by the Reformers. Almost all who have since maintained the rights of the people,—and this description comprehends all the able and learned defenders of Presbyterianism,—have appealed to Calvin and Beza, and the great body of the Reformers, as sanctioning the right of the people to choose, and the necessity of their consent.

The question as to the doctrine of the confessions of the Reformed churches, and the sentiments of the leading Reformers, upon this point, was fully discussed in the controversy which took place in the Church of Scotland about the time of the Secession, when almost everything which Sir William has adduced, to prove that Calvin and Beza, and the other Reformers, were intrusionists, was brought forward and applied with much more judgment, skill, and knowledge of the subject than he has shown, and when it was likewise satisfactorily answered and exposed. Sir William has produced nothing of importance but what is familiar to all who are acquainted with that controversy,—nothing but what the Moderates might have known if they had been acquainted even with the controversial pamphlets of their predecessors. The principal pamphlets on the Moderate side, in that controversy,

were understood to have been prepared under the superintendence, and with the assistance, of a namesake of Sir William's, Dr William Hamilton, Professor of Divinity in Edinburgh, who is also said to have recommended the perusal of them to his students from the theological chair; but they were conclusively answered by Currie of Kinglassie, and others. The task, indeed, was not very difficult. It was an easy matter to prove, that although there are some passages in the works of some of the Reformers which are ambiguous or equivocal in their meaning, yet a careful and deliberate examination of their whole views, and their various statements, establishes the position that they were not intrusionists, and that they maintained, that in the obvious and ordinary meaning of the words, the people should choose their own ministers, or, at least, give their free consent to their settlement.

In seeking to understand what were the views of the Reformers upon this subject, and what was the precise meaning of their statements, we must keep in mind what was the state of the controversy at that time, and what were the views which they intended to oppose. They intended to oppose the doctrine of the Church of Rome, which was, that the election of ministers,—using the word *election* in a much wider sense than that in which we usually employ it, as synonymous with *vocation*, or the whole process by which a man becomes qualified and entitled to exercise ministerial and pastoral functions,—belonged ultimately to the Pope, and ordinarily to the bishop, and that the people had no place or standing in the whole matter of the vocation of ministers, except that of stating objections, of which the bishop was to judge. In opposition to this, the Reformers maintained, *first*, That there was no warrant whatever for the election or vocation of ministers, or any part of it, being vested in one man; *secondly*, That though, undoubtedly, a large share of what was included in the election or vocation of ministers, belonged to ecclesiastical office-bearers, or church courts, yet the people, too, had an important place and standing in this matter,—that at least the consent or concurrence of the congregation was necessary to the formation of the pastoral relation,—and that no man should be intruded upon them against their will. And hence they were accustomed to speak, according to circumstances, of the church courts choosing ministers, because, upon Presbyterian principles, they had a most important share in the vocation of pastors, and also of the people choosing them, be-

cause, upon Protestant principles, they, too, had a real and effective share in it, something very different from the mere right of objecting, which the Church of Rome conceded to them. This great Reformation principle is thus precisely and accurately stated by the Leyden Professors, in their *Synopsis Purioris Theologiæ*, one of the very best of the smaller Systems: "Jus pastores eligendi est penes ecclesiam, ac proinde plebi commune cum Presbyteris; jus eos ordinandi soli presbyterio est proprium."

This was in entire accordance with the views of our own Reformers, who, in the First Book of Discipline, declared, that "the admission of ministers to their offices must consist in the consent of the people and church whereto they shall be appointed, and approbation of the learned ministers appointed for their examination;" and, in the Second Book, defined election (using that word evidently as comprehending the whole vocation of ministers, except ordination) as consisting "in the judgment of the eldership and consent of the congregation." The consent of the people, in the First Book, must necessarily mean the right of election, in the restricted sense in which we commonly use that expression; for it is the clear and undoubted doctrine of that Book, that this right belongs "to every several congregation." It was the general practice of the Reformers to speak both of the people choosing their pastors, and also of their consenting to or approving of them, using these expressions manifestly as synonymous. They frequently speak of the people as choosing their ministers, because they maintained, upon scriptural grounds, that they had a right to a share in the election, amounting to the whole of what we now commonly understand by election; and they frequently speak of this as their consent or approbation, because, as Presbyterians, they did not mean to give them the whole of what was then commonly understood by election, and because they did not mean to convey the idea, that any mere act of the people could, in ordinary circumstances, make a man a minister, or at once, and of itself, put him into the pastoral office. Even when consent, however, is used in the more restricted sense in which we commonly employ it, as implying, at least, that the party whose consent is required has a full and absolute negative, the people are still put in a very different situation from that in which Papists, Prelatists, and Moderates place them, in giving them merely a right of stating objections.

It is, of course, manifest, that none who hold that congregations

should choose their own ministers, could consistently sanction the right of any party, civil or ecclesiastical, to intrude ministers without their consent, or against their will,—that is, unless the congregation were willing to receive, or, at least, did not openly refuse to receive, them. And whether the congregation have the choice of their minister, or are held entitled to give or withhold their consent, or have a free and absolute negative upon the settlement by whomsoever the candidate may be nominated, they are still regarded as a party having an influential place and standing, entitled to judge for themselves, upon their own responsibility, whether it be consistent with their duty to receive the presentee as their minister,—to enter with him into the pastoral relation,—to commit themselves to his care,—and subject themselves to him in the Lord. Under these different modifications of election, consent, dissent, in the ordinary meaning of the words, the congregation are still recognised as intelligent and responsible beings, who are entitled to form for themselves a judgment upon a point in which their own best interests are deeply involved, and to have effect given to the judgment which they may form, not, indeed, so as to be able to secure for themselves any minister whom they may choose,—for the presbytery also must consent and concur, and have a negative upon every settlement,—but, at least, so as to be protected from being compelled to receive as their pastor a man to whom they are decidedly opposed.

There is an essential difference in principle between this view of the rights, privileges, and duties of a Christian congregation, and that which assigns to them merely a right of stating objections, of which church courts are to judge. In this latter case, a congregation is not recognised as composed of intelligent and responsible beings, possessed of liberty of conscience and the right of private judgment. They are not recognised as men, but as children,—not as freemen who are entitled to judge for themselves in a matter affecting their own duty and happiness, but as the mere slaves of their ecclesiastical superiors. And, accordingly, scarcely any have ever restricted the privileges of a Christian congregation to a mere right of stating objections,—in other words, have advocated the right of church courts to intrude ministers upon reclaiming congregations,—except, on the one hand, Papists, Prelatists, and men who, like a small band in the Scottish Establishment, are thoroughly imbued with the Popish principle of the



right of church courts to lord it over God's heritage; and, on the other hand, secular and ungodly men, who, having no regard to the interests of religion, and no fixed principles upon any subject, have been ready to defend whatever the law of the land might sanction, and whatever encroachments the civil right of patronage might make upon the scriptural privileges both of church courts and of Christian congregations.

Nothing can be more unlikely than that the Reformers should have countenanced such notions as these,—notions flatly opposed to the whole principles on which the Reformation was based, and to the whole spirit in which the affairs of the Reformed churches were administered; and the evidence must be very clear and explicit indeed, which would be sufficient to prove, that they gave to the Christian people no more weight or influence in the choice of their ministers than the Church of Rome conceded to them.

There is an important passage in a valuable treatise of Calvin's, *De Necessitate reformandæ Ecclesiæ*, in which he formally exposes the corruptions which the Church of Rome had introduced into the election of ministers, and, in doing so, makes a very clear discovery of his own views upon this subject. He first describes the practice of the primitive church, and then contrasts it with that of the Church of Rome. After describing the strictness of the examination, in the primitive church, into men's life and doctrine, he goes on to say, "Porro ejus qui a clero nominatus esset, vel recusandi vel approbandi arbitrium penes populum et magistratum erat, nequis invitis aut non consentientibus obtruderetur." And then, in contrast to this, he describes the practice of the Church of Rome in this way:—"Populo erepta suffragiorum libertas." Will Sir William try to explain in what respects Calvin's sentiments upon this subject, according to his view of them, differed from those of the Church of Rome? Did the Church of Rome deny to the people any right or privilege in this matter, which Sir William, or Calvin according to Sir William's interpretation of his statements, conceded to them? What was the difference between the practice of the primitive church and that of the Church of Rome, which Calvin here meant to point out, approving of the one and disapproving of the other? What was it which Calvin and the primitive church thought that the people ought to have, and which the Church of Rome had taken from them? Did Calvin here give any indication that he under-



stood consent and liberty of suffrages in any other sense than that which they obviously and universally bear? Will Sir William try to explain the meaning of the “*vel recusandi vel approbandi arbitrium*,” which Calvin and the primitive church assigned to the people?

Sir William Hamilton admits, what of course no man can deny, that it has always been a rule of ecclesiastical law, that no minister should be intruded upon a congregation against their will; but he alleges that we have entirely mistaken the import of this rule, and maintains that it is quite consistent with the right of church courts to intrude ministers upon reclaiming congregations, whenever they think the opposition of the people unreasonable and ill-founded. He asserts that the meaning of the rule depends upon the settlement of the question, whether “*will* means a *reasonable* will, a volition on reason, or a *mere* will, a wish or inclination, reasonable or unreasonable.” This is an unfair account of the state of the question, and its unfairness has been repeatedly exposed. This misstatement of the question had been brought forward by Lord Corehouse, and borrowed from him by Mr Robertson; and I had thus exposed it in my defence:—“Our opponents, indeed, sometimes speak as if there was something so essentially absurd about our views, that they should not rashly, or without very strong evidence, be ascribed to any men. Thus Lord Corehouse, in discussing the First Book of Discipline,\* says, that ‘the instant that the right to present passes into the hands of a third party, not only the maxim (about the consent of the people) but its *necessary* limitation appears.’ And, again,† he talks of ‘the maxim and its limitation, or rather the maxim construed in a sound and reasonable sense.’ But why is any limitation of the maxim about the people’s consent necessary,—that is, necessary to be understood,—even when it is not actually expressed? Are not the right of giving or withholding consent, without being obliged to substantiate reasons to the satisfaction of another party, and the right of stating objections of which another party is to judge, two totally distinct things, each of them perfectly intelligible, although founded upon very different views of the rights and standing of the Christian people? Is there anything so manifestly and inherently absurd in the idea, that

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\* Auchterarder Report, p. 223.

† P. 221.

the Christian people ought to have a larger share of influence in the appointment of their ministers, than merely the right of stating objections of which another party is to judge, that every statement which seems to ascribe to them a higher standing and influence, must be tortured and perverted, to bring it down to the level of Popery and Moderatism? As the primitive church, and the great body of the Reformers, held that the people have a right to elect their own ministers, there surely can be nothing so manifestly and palpably absurd in the idea, that they may have a somewhat less extensive right, and yet one decidedly higher than that which our opponents concede to them,—that intelligent men may honestly think that, while there may be no very definite grounds in Scripture or reason for deciding certainly where the initiative should lie, yet the people are entitled freely, and on the ground of their own convictions, to give or withhold their consent to the admission of any man proposed as their pastor.

“Mr Robertson makes a similar attempt to scout our principle from the field of fair discussion, by misrepresenting it. He introduces his examination of the import of the provision, ‘that no man be intruded into any of the offices of the kirk contrary to the will of the congregation,’ in this way:—‘Does, then, the term *will*, in the phrase now adverted to, imply exclusively an act of the congregation, for which they must render a satisfactory reason, or may it imply also such an act as originates either in prejudice, or in the blind impulses of strongly excited passion?’ Now we must tell Mr Robertson that his two alternatives do not fully exhaust the subject. The will of the people may ‘describe an act’ of which it is true *neither* that it is founded on caprice or passion, *nor* that they must render a reason for it, *that shall be satisfactory to others*. It may describe an act which is founded on good and sufficient reasons, of the sufficiency of which, however, no other party may be entitled to judge, and which no other party, thinking the reasons insufficient, is entitled on that account to set aside; and this indeed is what we contend for, and what we expect will ordinarily be exhibited where a Christian congregation dissents from the settlement of a man proposed to be their minister.”\*

This distinction is evidently of fundamental importance, in

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\* See *supra*, p. 338.

order to a right statement of the point in dispute; but Sir William has not thought it expedient to advert to it, and proceeds with his Demonstration as if he had never heard of it. Having thus misstated the question, he proceeds, after the example of Lord Corehouse, to discuss the meaning of the word "*voluntas*," and to show, by the authority of lexicographers, that it means *reasonable will*. And here, again, we have another striking instance of blundering. *The word "voluntas" forms no part of the ecclesiastical canon against intrusion*; and its meaning, be it what it may, can afford no relevant materials for determining the meaning of the law. The canon, in its original form, and in the earliest instances in which it occurs, is, "*nullus invitis detur episcopus*," "*nullus civibus invitis ordinetur episcopus*," or, as Beza expresses it, "*nemo invito gregi obtrudatur*." A discussion of the meaning of *invitus* might have had some relevancy; a discussion of the meaning of *voluntas* has none.

It is most important to remark, that in all the earliest instances in which this canon is laid down, it is accompanied with such explanations, and is based upon such grounds, *as to make it clear and unquestionable that it was then understood in the same sense in which we understand it*,—as implying that the opposition of the people was a sufficient reason for not settling a minister over them, and that the congregation had at least a veto or negative upon the appointment. We may quote, in proof of this, the *earliest* instances in which the principle of non-intrusion was distinctly and formally laid down as a maxim of ecclesiastical jurisprudence, most of them afterwards embodied in the canon law.

1. Nullus invitis detur Episcopus. Cleri, plebis, et ordinis, consensus et desiderium requiratur.

2. Si forte vota eligentium in duas se diviserint partes, metropolitani judicio is alteri preferatur, qui majoribus et studiis juvatur et meritis, *tantum ut nullus invitis et non petentibus ordinetur, ne civitas episcopum non optatum aut contemnat aut oderit*.

3. Item, juxta quod antiqui canones decreverunt, nullus invitis detur Episcopus, sed nec per oppressionem potentium personarum (the incipient patrons of the time) *ad consensum faciendum cives aut clerici, quod dici nefas est, inclinentur*.

4. Quod in aliquibus rebus consuetudo prisca negligitur ac decreta canonum violantur, placuit ut juxta antiquam consuetudinem canonum decreta servantur. Nullus civibus invitis ordi-

netur episcopus, nisi quem populi et clericorum electio plenissimâ quæsierit voluntate.

All these authorities were quoted in my Defence.\* They are perfectly conclusive as to the original and ancient import of the law against intrusion. Sir William has not found it convenient to advert to them; and it would not be easy to find a man who, after deliberately examining them, could fail to be convinced, that the non-intrusion principle of the primitive church implied, that the opposition of a congregation was a sufficient reason why a minister should not be settled over them, and that, of course, the principle was then understood in the same sense in which it is held by the supporters of the Veto law.

As the Reformers, in maintaining the necessity of the people's consent, and asserting the principle of non-intrusion, were accustomed to refer to the doctrine and practice of the primitive church, in opposition to the Church of Rome, there is the strongest presumption that they understood the principle in the same sense as the primitive church did,—a presumption which can be overcome only by producing from them declarations which explicitly assert, or necessarily imply, that they understood it in a different sense, and which specify wherein the difference lay. Sir William says,† that in all the Presbyterian churches, “the rule [against intrusion] was, directly or indirectly, a transumpt from Geneva;” and that, at the period of the Reformation, “no brocard of the civil law spoke a more precise and unambiguous meaning to all European jurists, than did this maxim in church polity to all Calvinist divines, from Edinburgh to Geneva.” But the fact unquestionably is, that, both at Geneva and in other Presbyterian churches, the rule was a “transumpt” from the canons of the early church, and that in these canons its meaning is most precise and unambiguous, testifying clearly and explicitly in favour of our principles, and in opposition to his. Will Sir William venture to consider the instances in which this rule was *first* laid down as a maxim of ecclesiastical law, and try to explain them into an accordance with his views?

There is a remarkable passage in a work of Richer's, a celebrated defender of the Gallican Liberties, which is not only a testimony in favour of non-intrusion, in the natural and honest sense

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\* *Supra*, p. 313.

† P. 16.

of it, but is also a curious illustration of the meaning sometimes attached to the terms employed in discussing this subject, and especially of the virtual identity of election and consent. Some of the defenders of the Gallican Liberties entertained scriptural and Presbyterian principles in regard to the entire independence of the civil and the ecclesiastical authorities, and the relation that ought to subsist between them. Their connection with the Church of Rome generally preserved them from Erastianism; and in resisting the temporal power of the Pope, whether direct or indirect, or his right to interfere authoritatively in the disposal of temporal or civil matters, they opposed almost everything that is peculiarly and properly Popish.\* They held, also, to some extent, scriptural and Presbyterian principles about the rights of the people, and some of them were honest non-intrusionists. The following remarkable extract is from a work of Edmond Richer, Doctor of the Sorbonne, whose whole life was devoted to the exposure of the peculiar doctrines of the Ultramontanists, and the defence of the Gallican Liberties. The title of the section is, *De Sacrarum Electionum Justificatione, natura et differentia activæ atque passivæ electionis; et quod juri divino et naturali invitis dari Episcopum repugnet*. I transcribe the whole of it.

Vallius,† me reprehendit quòd dixerim collationes Beneficiorum quadringentis et mille annis jure communi, id est, sacris electionibus factas, etc. Et quoniam sacras electiones per meum latus confodit, hic ego decrevi eam in rem texere disputationem, quam eo magis necessariam duco, quòd status aut Principatus Ecclesiæ sit electivus non hæreditarius, certumque habeatur sacras electiones missioni factæ a Christo de Apostolis atque discipulis successisse: Enimvero sicut Dominus, postquam Apostolos et discipulos elegit, eisdem suum credidit Sacerdotium cum potestate clavium; ita etiam semper solemne fuit Patribus Ecclesiæ primitivæ, ut neminem in Episcopum aut Presbyterum ordinarent, nisi

\* It is not easy, in opposing one extreme, to avoid another. Even Father Paul, in opposing the temporal authority of the Pope, did not keep quite clear of the opposite extreme of Erastianism, and adduced against the sounder views of Richer the common Erastian cavil about the absurdity of an *imperium in imperio*. (See Appendix to his Rights of Sove-

reigns and Subjects, p. 369.) Indications of a similar kind are, as might be expected, to be found in some of the court bishops and crown lawyers who defended the Gallican Liberties. Richer and Dupin held, in the main, scriptural and Presbyterian principles upon this important subject.

† P. 42.

prius canonice electum. Ordinar igitur ab electionis Ecclesiasticæ descriptione, *quæ nihil aliud est, quam sacer personæ delectus canonice factus ad obeundum Ecclesiasticum ministerium*: utque cognoscatur qua ratione et via jurisdictio Ecclesiastica conferatur, hic in memoriam revocanda quæ jam aliàs sæpe dixi, sunt enim scitu pernecessaria et ad duritiam adversariorum comprimendam pluries inculcanda, nimirum jurisdictionem Ecclesiasticam duobus modis posse considerari et conferri, puta intensive, objective, formaliter et quoad habitum, deinde extensive, subjective, materialiter et quoad actum vel exercitium; ac priori modo conferri per sacros ordines; ita ut Episcopo et Presbytero una cum Episcopali et Sacerdotali ordine formaliter et quoad habitum potestas et facultas regendi populum Christianum, remittendi et retinendi peccata, excommunicandi, leges ferendi proportionatim et respective deferatur; materialiter vero quoad actum atque exercitium, quando titulus, materia, Diæcesis, parœcia, aut populus regendus Episcopo vel Presbytero traditur: quæ attributio tituli et materiæ secundum Canones et praxim Ecclesiæ primitivæ dabatur per *activam et passivam electionem*. Activam electionem voco facultatem legendi *idoneum* Pastorem, quæ facultas hierarchico ordini peculiaris et propria est, sicut facultas excommunicandi verbi causa, quam tamen Episcopi et Papa ipse possunt laicis communicare per dispensationem. Nam Christus hierarchico ordini cui Sacerdotium suum contulit, una dedit potestatem activam eligendi atque examinandi personas idoneas, quibus Sacerdotium suum communicaretur, ideoque hæc facultas juris est divini, dispensabilis, et communicabilis quasi per vicariatum et commissionem ut de excommunicandi facultate diximus. Nam moralia quamquam a Deo instituta, tamen mutationi obnoxia sunt. Quoniam Deus cum liberis libere, et cum necessariis necessario agit. Quocirca compertum est in Ecclesiæ utilitatem vel propter alias causas justas et laudabiles, ordinem hierarchicum sæpe Christianis Principibus et personis laicis fecisse potestatem active eligendi Pastores, sola sibi retenta facultate ordinandi et consecrandi Episcopos et Presbyteros: quia hæc juris est divini plane indispensabilis atque invariabilis. Et hæc de activa electione: passiva autem et subjectiva est populi consensus activas electiones Cleri approbantis, ac sese Pastori electo sponte et libere subjicientis, quæ libera subjectio et consensus populi juris est divini et naturalis prorsus indispensabilis. Adeo ut in Pastorum electione oporteat



consensum liberum populi explicitè aut implicite, vere aut interpretative, secundum Canones intervenire. Quamobrem sicut nemo potest ordinem hierarchicum jure consecrandi Episcopos et Sacerdotes, aut etiam invitum jure active eligendi Pastores idoneos absolute privare: Ita nec etiam ordo hierarchicus jure potest populum passiva electione aut jure consentiendi orbare. Et idcirco ex doctrina et traditione Apostolica, Clerus et populus suo quisque modo et captu proportionatim et respective ad electiones concurrebant. Cujus rei causa a lege gratiæ petitur, *quæ vere regia est et perfectæ libertatis*: omnium legum atque institutorum mitissima, suavissima, et naturæ ac libertati hominum maxime conformis. Quod si in rebus naturalibus forma nunquam nisi in materiam egregie subactam et dispositam introducitur, quanto magis in agentibus liberis et præsertim in lege gratiæ, cum Religio Christiana et Communio Sanctorum doceri et suaderi, non cogi, aut austere atque absolute imperari possit? Quocirca si Ecclesiastici invitis et repugnantibus Christianis, quos debent libere suaviterque erudire, legem dare nequeant (leges enim non obligant nisi recipiantur) quanto magis absurdum est invitis atque repugnantibus populis pastorem consecrare, *cum Pastor sit tanquam lex animata Ecclesiæ*. Ut enim ait Durandus 4. sentent. dist. 19. quæst. 2. circa medium. *Sacerdos magis est Judex arbitrarius de voluntate partium assumptus, quam habens de se jurisdictionem super partes eis invitis, vel altera earum invita*. Et Cancellarius Parisiensis de potestate Ecclesiastica, considerat: 3. *Videre est igitur, ait, quemadmodum potestas hæc Ecclesiastica jurisdictionem quandam excipit cui convenit, quod libera sit et spontanea vere vel interpretative circa personam in qua exercetur hæc jurisdictio, aut saltem quod non feratur in invitum*. Quis enim diceret quod aliquis invitus vel baptisatur, vel confirmatur, vel absolvitur in foro conscientiæ, vel ordinatur: et ita de aliis reliquis. Cardinalis Cusanus, lib. 2. de Concordantia, cap. 32. *probat unum corpus spirituale constitui ex Episcopo et plebe, ideoque consensum necessarium videri sicut in carnali matrimonio, atque inter Episcopum et Ecclesiam matrimonium esse*, 3. quæst. 1. can. *Audivimus*. Et propterea dicit textus 1. quæst. 1. can. *Ordinationes quæ non fiunt secundum Canonicas sanctiones, falsas esse, etc. ejus ratio est, quia consensus est de essentia matrimonii*. Procul dubio in Ecclesia primitiva, cum populus aleret Sacerdotes, nullum erat dubium de hac potestate passiva eligendi: postea ubi bene fun-



datæ et locupletatæ sunt Ecclesiæ, ambitio Pastorum crevit, resque immutata est. His duobus principiis de activa et passiva electione bene intellectis, facile est omnia non modo Vallii, sed Bellarmini, Baronii atque aliorum argumenta pro absoluto jure Papæ, in constituendis Pastoribus depellere.” \*

Of course there cannot be a doubt that Richer here ably defends, and maintains to be the doctrine of the primitive Catholic Church, the principle of non-intrusion as we understand it,—while he speaks of this principle as implying *a passive election by the people*,—a fact curiously illustrating the promiscuous use of the words “election” and “consent” by many other writers, and confirming the idea that their consent was called by the name of election, just because it was intended to imply that they had a real share, an actual and effective influence, in the appointment.

In proceeding to make some additional observations bearing more immediately upon the question as to what were the sentiments of Calvin and Beza, I would wish it to be kept in mind, that what Sir Wiliam Hamilton is bound to prove is, that Calvin and Beza were intrusionists,—that is, that they held that church courts are entitled to intrude ministers upon reclaiming congregations, whenever they think the objections or opposition of the people unfounded; and that nothing which does not bear upon this precise point can be relevant to the question under discussion. Sir William, in his letter to the *Witness*, adduced against me a charge, which he will not now repeat, of “flying, as pestilential, all the places in which his author treats of a subject of express intent.” I repeat the charge which I adduced and established against him, of first promising to quote “the principal passages to the point contained in Calvin’s private writings,” and then omitting not only the very remarkable passage which I had quoted from his Institutions, and which is so clear and explicit, that it cannot be evaded or explained away, but also the extracts which I had quoted from his commentary upon Acts vi. 3, and Acts xiv. 23, where he treats the subject “of express intent.” Sir William assures us that he omitted these passages merely as “superfluous lumber,”—a statement which will greatly surprise most men who read them. He admits that he has produced from Calvin

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\* Defensio Libelli de Ecclesiastica et Politica Potestate, lib. ii. c. vii. s. 7.

passages in which it is asserted, that the sacred elections are legitimately conducted only if by "common consent,—with the common consent of the whole church,—by the silent suffrages of all,—by suffrages,—from the suffrages of the people,—by public judgment and testimony,—with the approbation of the people,—by the testimony of all,—by the testimonies of the people,—by the consent of the quality and commonality." And it is, indeed, true, that he has produced from Calvin quotations quite sufficient, if men would only take the trouble of examining them, to overturn all his leading positions; but then, in the passages which he has omitted, there are statements which are, if possible, still more explicit even than these; such as, "elected by the common suffrages,"—"the free election of the people,"—"an impious robbery of the church, whenever a bishop is intruded upon any people whom they have not *petitioned for, or at least* approved of with a free voice;" and the declaration that the canon of the Council of Laodicea was not intended to exclude "the free election of the people," but merely to secure that the ecclesiastical authorities should preside and moderate, to prevent tumult and confusion.

Among the indirect and incidental indications of the real views of Calvin and Beza, there is perhaps none more satisfactory and significant than the way in which they deal with this famous canon of the Council of Laodicea, which enacts that the election of ministers is not to be left to the multitude, and which is the stronghold of Papists, Prelatists, and Moderates, whenever they are forced to discuss the testimony of the early church. Most men who examine the statements of Calvin and Beza upon this point, not in Sir William's way, but with care and deliberation, will be shut up to the following conclusions:—

1st, That Calvin and Beza felt that this canon was *prima facie* opposed to their views, because they did, in a certain fair and honest sense, give the election to the multitude.

2d, That they held that, nevertheless, it admitted of being explained in such a way as not to be inconsistent with their views.

3d, That all that was necessary, in their judgment, in order to bring it into an accordance with their views, was to regard it as denying the right of election to the people in such a sense as to exclude the presidency or moderation of the church courts in the election, and their right to reject a man whom they thought unqualified or unsuitable, even after the people had chosen him.

It is, of course, manifest, that the declarations which have been produced from Calvin, taken in their natural, ordinary sense, according to the universal, invariable *usus loquendi*, mean, that the people are entitled to choose their own ministers, and that no one ought to be forced upon them to whose settlement they are decidedly opposed, and that if Calvin had really intended to teach these doctrines, he could not have used clearer or stronger language; and the grounds, therefore, must be strong indeed, and the evidence of a very peculiar kind, which could warrant the forcing of a different meaning upon them. Sir William's theory is, that *electing* means merely *consenting*, and that *consenting* means merely a right of stating objections, of which another party is to judge. And how is this theory supported? It is not alleged that Calvin has ever, in other parts of his works, asserted anything contradictory to what in these passages he has so explicitly taught,—that he has ever *denied* the right of the people to choose, or the necessity of their consent,—or sanctioned, directly or by plain implication, the right of church courts to intrude ministers upon reclaiming congregations. Even if it could be proved that he had, this would only show that he had written inconsistently; but it would not prove that, in the passages produced, he had not taught the people's right to choose, and the necessity of their consent. But this is not even alleged. His testimony upon this point in his works is uniform and consistent. Neither has he, in any part of his writings, told us, directly or by plain implication, that by ascribing election and consent to the people, he meant merely that they had a right of stating objections, of which church courts were to judge. If he had understood them in a sense so plainly inconsistent with their obvious ordinary meaning, it might have been expected that he would have told us so; and certainly nothing short of an explicit declaration of his own to that effect can be a reasonable warrant for believing it; and yet nothing of this kind has been or can be produced. Nothing has been or can be produced from Calvin's writings, which affords the slightest ground for believing either that he sanctioned intrusion, or that he intended his statements about election and consent to mean merely a right of stating objections.

Upon what ground, then, do the intrusionists claim the support of Calvin? Simply and solely upon the ground of the ecclesiastical rules and practice of Geneva. Let it then be distinctly

understood and remembered, that Calvin, in his published writings, has repeatedly, explicitly, and unequivocally asserted, that ministers should be settled only upon the choice, or petition, or with the consent of the people,—that he has not made, in all his writings, a single statement inconsistent with these declarations, understood in their natural and ordinary meaning,—and that nothing has been produced from any of his works which affords any ground for believing that he sanctioned the right of church courts to intrude,—that he used *election* and *consent* in any other sense than that which they naturally and ordinarily bear,—or that he intended them to mean merely a right of stating objections; and, keeping all this in view, let us advert to the *only* ground on which it is contended that he held the Popish principle of intrusion.

A passage from a letter of Calvin's, giving a brief and summary account of the ordinary practice at Geneva in regard to the appointment of ministers, had been borrowed by Mr Robertson from Lord Medwyn, and I have already fully answered it.\* The only thing in addition to this which Sir William has produced upon the subject, is some extracts from the ecclesiastical ordinances of Geneva. This is not in substance a different argument from that founded upon Calvin's letter, stating the practice of Geneva; and some of the observations which have been made upon the letter apply also to the ordinances. The ordinances are adduced, of course, at present simply as a means of ascertaining what were the views of Calvin; and the proper question is, do they afford any sufficient ground for ascribing to him sentiments diametrically opposed to those which, as we have seen, he explicitly and consistently maintained throughout his own writings? or, in other words, do they afford any sufficient ground for maintaining that Calvin held that church courts have a right to intrude ministers upon reclaiming congregations? After the explicit and consistent testimony which Calvin has borne upon this subject throughout his own writings, no man is warranted in reckoning him an intrusionist, unless he can produce an explicit and unequivocal declaration in favour of intrusion, and trace that declaration directly to Calvin himself. The ordinances were a deed of the civil authorities of Geneva, proceeding in their name, and emanating from their authority. It is no doubt true that they were

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\* See *supra*, p. 369.

prepared under Calvin's influence, and were in accordance with his views of ecclesiastical polity; but it cannot be proved, and it ought not to be assumed, that, as ultimately adopted by the civil authorities, they were in all respects precisely what he would have wished them to be,—that they were *his* in the same sense in which his Institutions and his Commentary are his. The election of ministers is one of those subjects in regard to which churches have generally found some difficulty in coming to an harmonious adjustment with the civil authorities, and on which they have been too often tempted to consent, or at least to submit, to some compromise of sound principles. I formerly quoted\* a striking testimony from Zanchius upon this point, in which, after having established from Scripture and antiquity this position, "that the election of ministers ought to be common to the whole church,—that is, that no one ought to be chosen and admitted to the ministry except with the consent and approbation of the church which that minister is to serve," he says, "This custom is still kept up in many Reformed churches, but in a considerable number there is the greatest confusion; and, in opposition to the apostolical constitution and the ancient canons, ministers are chosen and intruded upon churches without their knowledge, and even against their will."

The civil authorities have usually been adverse to the due rights and influence of the people in the settlement of ministers, and more willing to allow some power to the church courts, probably because they are well aware that there are modes of *managing* presbyteries which cannot so well be brought to bear upon congregations. When the Second Book of Discipline, which contains a clear and explicit assertion of the principle of non-intrusion in the obvious and honest sense of it, was submitted to the revision of the civil authorities, they proposed to insert after the declaration of the principle of non-intrusion, the words, "if the people have a lawful cause against his life and doctrine;" but the church declined to adopt them. It is not improbable, then, that Calvin may have found some difficulty in bringing out fully, in the ordinances which the civil authorities established, all the views which he so explicitly asserted in his works about the rights of the Christian people.

But even granting, for the sake of argument,—what, however,

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\* See *supra*, p. 319.

we do not admit,—that the ecclesiastical ordinances of Geneva were as truly and fully Calvin's as his Institutions and his Commentary are his, we still assert that they are not necessarily inconsistent (and of course he is not to be charged with inconsistency without necessity) with the views he has so explicitly stated in his own writings, and do not clearly or necessarily imply, that he would ever have disregarded the opposition of the people, or intruded a minister upon a reclaiming congregation. It is, of course, quite plain that there is no medium between giving the people a veto or negative, and advocating the right of patrons and presbyteries to intrude ministers upon reclaiming congregations: and the intrusion of ministers upon reclaiming congregations is so thoroughly Popish in its whole character and spirit,—so flatly opposed to the fundamental principles of the Reformation,—and so clearly inconsistent with the unequivocal and consistent testimony which Calvin has given upon this subject in his works, that nothing but an explicit declaration, setting forth, *totidem verbis*, the right of church courts to intrude, could afford any reasonable ground for charging him with such an error; and we are therefore quite entitled to set aside the ordinances of Geneva by this assertion, that they contain nothing in which the lawfulness of disregarding the opposition of the people, and of intruding ministers, is, either directly or by plain and necessary implication, maintained. It is only by a very remote implication, and by a very dubious and uncertain inference, that anything like intrusion can be extracted from them; and this of itself is sufficient to show that they afford no adequate ground for charging Calvin with an opinion inconsistent with the uniform testimony he has borne in his works upon the subject.

The substance of the matter in regard to these ordinances is this,—that they ascribe to the clergy an important place in the election of ministers, and even the initiative, as was of course necessary, when there was no separate class of licentiates or probationers,—when men taken from other professions were often called to the ministry,—and when, in point of fact, there was scarcely anything like a supply of men already prepared, out of whom the choice might be made. In these circumstances, it was obviously necessary and proper that the people should not be allowed to turn their thoughts towards any man, with the view of getting him for their minister, until the church courts had

examined his qualifications,—had declared him to be a fit and proper person for the ministry—and, as there was probably at the time no other person whom they could get as their pastor, had virtually recommended him to the people that he might fill that office. Men who are but superficially acquainted with these subjects, judge of the import and bearing of practical rules and regulations as if they were intended for the same state of things in which we have found ourselves placed, where there is a large body of licentiates, and where there are many persons ready to supply every vacancy that occurs.

The ordinances having thus given,—what could scarcely be otherwise arranged in the actual circumstances in which the church was then placed,—the initiative as well as the examination to the clergy, go on to give a veto or negative upon each appointment to the senate or council; and then, in proceeding to state the arrangements about presenting the candidate to the people, provide, that “if there be any one who is aware of aught to object to in regard to the life and doctrine” of the person proposed, they are to make it known, “to the end that no one be inducted to the ministry except with the common consent of the whole church.” Sir William’s inference from this is, “that the whole congregation was held to consent where none could prefer what was judged to be a valid ground of objection;” and, the inference, though very far from being clear or certain, would not be destitute of a certain measure of plausibility, had we no other means of judging of the views of Calvin than what is thus afforded us. Let it be observed, however,

1. That these ordinances recognise it as a right principle, “that no one be inducted to the ministry except with the common consent of the whole church.”

2. That according to the universal and invariable *usus loquendi*, applicable to this and to all similar subjects, this statement has a distinct and unequivocal meaning, and necessarily implies that the party whose consent is required or made necessary, has at least a veto or negative upon the appointment.

3. That the inference deduced from the connection of the statements is by no means so clear and certain as to warrant the putting upon a plain statement a meaning not only different from, but inconsistent with, that which in common and constant use it manifestly bears. A statement is not to be perverted from its



constant and invariable sense, by an inference so vague,—an implication so remote. So thorough and unquestionable a perversion of the ordinary meaning of the words must not be based upon an inference or implication, but must be distinctly and explicitly asserted; and, except where it is distinctly and explicitly asserted, the rules of fair reasoning preclude its admission.

Nothing will ever persuade us that any body of intelligent men could maintain a proposition so thoroughly absurd and ridiculous as “that the whole congregation was held to consent where none could prefer what was judged (by another party than the congregation itself) to be a valid ground of objection,” except an explicit and unequivocal assertion of their own to that effect,—an assertion expressed *totidem verbis*, and admitting of no doubt or ambiguity as to its meaning. And nothing of this kind occurs in these ordinances. The sentence is an awkward one; but a single awkward or ambiguous sentence is certainly no sufficient ground for disregarding altogether the universal and invariable *usus loquendi* as applicable to a common statement, and ascribing to any man a sentiment which is in flat opposition to numerous and unequivocal declarations which he has made of his views. The sentence might naturally suggest the question, What is to be done if the people oppose the settlement, but bring forward nothing in support of their opposition, of the truth and relevancy of which they can convince the church courts? But it contains no materials which would warrant the answering this question by saying, that in that case the man is to be intruded though the congregation should continue to reclaim; while, on the contrary, the recognition of the necessity of the church’s consent plainly points to an answer directly the reverse of this. We think it not improbable that this awkward and equivocal sentence was a sort of compromise between Calvin and the civil authorities of Geneva; they, with that hostility to the scriptural rights of Christian congregations which the civil authorities have almost always manifested, being satisfied with the appearance of an implied or inferential necessity of the people substantiating objections against the life or doctrine of the candidate; and he being contented with the recognition of the principle, “that no one be inducted to the ministry except with the common consent of the whole church,” which left latitude enough to the church courts to act in practice upon those principles which he had so consistently maintained in his own writings,

and saved them from anything like an implied obligation to perpetrate what he calls "the impious robbery of thrusting a bishop upon any people whom they have not petitioned for, or at least approved of with a free voice."

These ordinances, it is to be remembered, are a deed of the civil authority,—virtually an Act of Parliament; and there is some analogy between them and the Act of the Scottish Parliament 1690, c. 23, in this respect. That Act does not contain a formal and explicit recognition of the principle of non-intrusion, and it provides that any of the congregation who may disapprove of the person nominated by the heritors and elders, "shall give in their reasons, to the effect the affair may be cognosed upon by the presbytery of the bounds, at whose judgment and by whose determination the calling and entry of a particular minister is to be ordered and concluded." Under this Act, the presbytery were undoubtedly at liberty to intrude if they chose. They were not tied up by the civil authority from intruding, but neither were they put under anything like obligation to intrude. They were left at full liberty to act upon the principle of non-intrusion; for there is nothing inconsistent with that principle in the people stating their reasons, that the presbytery may have some dealings with them upon the subject. No satisfactory materials, therefore, can be derived from this Act for deciding whether the church then held and acted upon the principle of non-intrusion. That must be determined by information to be derived from other sources; and accordingly, in discussing this point, we prove that all the leading men of the church at that period asserted the non-intrusion principle in their works; and we farther prove, by unexceptionable testimonies, that it was acted upon in their ecclesiastical procedure. The ordinances of Geneva do not, indeed, like the Act 1690, contain nothing either for or against the principle of non-intrusion. But they contain a plain declaration in favour of the principle, and they contain also a sort of implied indication of something that seems adverse to it; and we are acting most liberally towards our opponents when we regard these two things as virtually neutralizing each other,—the church courts being left to work out their principles under the general powers which the ordinances sanctioned, and honest inquirers after truth being left to collect the real sentiments of Calvin from some more authentic and explicit source.

It is an important consideration, and it is applicable to other churches than that of Geneva, that the practical rules laid down for regulating the settlement of ministers have often been greatly influenced by the peculiar circumstances in which the church was placed at the time, and that the actual amount of influence which the people might have in the matter would depend very materially upon the spirit in which the church courts were disposed to execute their functions,—upon the internal working of the system ;—and that, therefore, the practical rules which may have been adopted do not always afford so clear and certain indication of the precise sentiments held by the church upon this question, as the declarations made by the church herself, or her leading authorities, *when discussing the point as a matter of theological speculation, or explaining the meaning of those portions of God's word which bear upon it.*

How, then, stands this question about Calvin ? Calvin, in his works, in discussing formally, and “of express intent,” the election and vocation of ministers, has asserted again and again, in the plainest and most explicit terms, that they should be appointed upon the petition or choice,—by the suffrages, and with the consent—of the people, and has laboured to prove that this is a scriptural rule ; and he has said nothing in any of his works in the least inconsistent with these statements, understood in their obvious and ordinary meaning. He has said nothing in any of his works which implies, or even seems to require, that these statements are to be perverted from their ordinary meaning,—that petitioning, election, suffrages, and consent, are to be ground down to a mere right of stating objections. It is impossible to explain how Calvin came consistently and uniformly to use the words, petitioning, election, suffrages, and consent, in speaking of the appointment of ministers, unless he meant to convey the ideas which these words naturally and according to universal usage express, especially as he has not given a hint that he used them in any other sense than their ordinary one, and has not used these or similar words in any other sense than their ordinary one when speaking of any other topic. If he had intended to give to the people only the right of stating objections of which church courts were to judge, and had meant to ascribe to church courts a right to intrude ministers upon reclaiming congregations, it would have been very easy for him to say so ; and, indeed, it is scarcely possible that he could have avoided saying this. And yet nothing of this sort appears in any of his writings,

but the very reverse. So much for Calvin's published works,—everything that is truly and properly *his*.

Then, what have we on the other side? In the ecclesiastical ordinances of Geneva,—a deed of the civil authorities, prepared, no doubt, under Calvin's influence, and intended to embody his views of ecclesiastical polity, but still not directly and properly *his*,—a sentence occurs, which, from its somewhat awkward and equivocal character, has very much the appearance of being a sort of compromise upon a point on which a diversity of opinion existed; and in this sentence, although the principle is recognised of the necessity of the consent of the whole church, the recognition is coupled with another statement of a different kind, in such a way as seems to tend to neutralize or undo the recognition of the principle, while, at the same time, in the general scope and substance of the ordinances, the church courts are sanctioned in the possession of such powers as would make it quite practicable for them to act upon it. This is the whole matter; and while it is quite sufficient to afford a handle for a certain measure of plausible cavilling to controversialists, it will certainly not be regarded by impartial and cautious inquirers after truth as affording any real ground for entertaining any serious doubt as to what were Calvin's views upon this question. This sentence in the ordinances is no doubt a difficulty, but I think I have proved that it is not a very formidable one; and that, at any rate, it affords no adequate ground for neutralizing or explaining away the clear, consistent, uniform testimony of Calvin himself throughout the whole of his writings,—no sufficient reason for charging him with maintaining the Popish principle of the right of the ecclesiastical authorities to intrude ministers upon reclaiming congregations.

Let us now advert a little more fully to the evidence in regard to Beza. Beza, in his Confession of Faith, when he is discussing the subject of the election of ministers “of express intent,” distinctly and explicitly maintains, as a theological doctrine, based upon the word of God, that Christian congregations should choose their own ministers, and that no one should be intruded upon an unwilling flock; and though, in the same passage, he asserts the necessity of presbyterial superintendence to guard against tumult and confusion, and to prevent the people from setting over themselves ignorant and incompetent teachers, he has

said nothing in the least inconsistent with the right of the people to choose, or the necessity of their consent, and he has said nothing which implies, or even seems to imply, that he uses *election* or *consent* in any other sense than that which they obviously and ordinarily bear. Indeed, his statements about the necessity of presbyterial superintendence and control *for the purposes specified*, are themselves a conclusive though indirect proof, that he really meant to assert the people's right of choice. He has distinctly and unequivocally asserted the principles for which we contend, as scriptural truths; and there is nothing whatever in the context, or in any part of his Confession of Faith, in the least inconsistent with them.

What have we on the other side? In so far as Beza is to be regarded as approving of the ecclesiastical ordinances of Geneva, he stands upon the same footing as Calvin; and all that we have said in regard to his predecessor applies equally to him. But in other respects the case of Beza is different from that of Calvin. It is not alleged that anything is to be found in Calvin's own writings inconsistent with the principles which he so explicitly lays down when discussing the subject "of express intent." But it is alleged that, in Beza's writings, there are passages which prove that he did not hold the people's right to choose, and the necessity of their consent. If this could be proved, it would only show that in other parts of his writings he has propounded views inconsistent with those which are so unequivocally laid down in his Confession of Faith. But let us remember, that the point to be proved is, that Beza asserted the right of church courts to intrude ministers upon reclaiming congregations, and used the words *election* and *consent* as meaning merely a right of stating objections, of which church courts were to judge; and let us consider what evidence has been produced to establish this,—premising that many of the preceding observations upon the ecclesiastical ordinances of Geneva apply equally to the two passages produced by Sir William from Beza and need not now be repeated, and that the proof which has been adduced, that Calvin held our principles, affords of itself a very strong presumption that Beza also supported them,—at least, that he did not hold views of so thoroughly different and Popish a character as those which Sir William has ascribed to him. We must again advert to Beza's famous epistle. Sir William's theory regarding it is, that it was

addressed to John Knox and the Scottish Reformers, and was intended as an expostulation with them against the doctrine of the First Book of Discipline, which assigned to the congregation the choice of their minister.\* The grounds of this notion, that it was addressed to the Scottish Reformers, Sir William has classified under twelve heads, which, however, plainly contain no argumentative weight; and, irrespective of his theory about the substance and scope of the epistle, which is unquestionably unfounded, do not even amount to a probability. The only thing in the epistle which has any appearance of countenancing intrusion, is a vague and incidental reference to the people having "an opportunity of stating whatever they may deem important enough to be brought under inquiry," connected with a statement of the principle of non-intrusion, and forming part of a discussion, not on the election of ministers, but on the propriety of publicity being given to all ecclesiastical proceedings; and this has been already fully considered. The right mode of interpreting a statement of the principle of non-intrusion, combined with some reference to a statement of reasons, or to a reasonable cause for the opposition of the people, we shall advert to more fully, in considering the next passage produced by Sir William from the writings of Beza.

It is taken from his reply to Saravia on the Degrees of the Ministry, and it is that to which I referred when I informed Mr Robertson that "there is a passage in one of Beza's works which has more the appearance,—though of course only the appearance,—of countenancing his notions than that with which Lord Medwyn supplied him." We must give the passage at length, for Sir William has mutilated it in a way which it is difficult to reconcile with his own professions.† He has omitted the whole of

\* By the way, why was Sir William simple enough to concede to us the testimony of John Knox and the First Book of Discipline in favour of popular election? Is not *election* there manifestly used as synonymous with *consent*? Is there not an awkward statement there about "violent intrusion, we call not," etc., and about the people "not being forced to admit a man before just examination?" Have not some of the intrusionists attempted, notwithstanding the frank

and manly concession of Dr Cook, to make something of this passage? Is it not just as easy, and as fair, to distort and pervert the First Book of Discipline as Calvin and Beza? Is there not *at least* as good ground for claiming the authority of John Knox in favour of intrusion, as that of the two great Genevan Reformers?

† "In all cases, I will give the passages alleged full and entire." (Demonstration, p. 19.)



what we give in italics, thinking it, perhaps, "superfluous lumber." We take Sir William's translation of what he does quote :  
*" Thus, the function of the diaconate was ordained by the apostles, under Divine guidance, to be preserved perpetually and unalterably in the churches. It was not without reason, but under the guidance of the same Spirit, that seven were chosen, and not more or fewer, and that, too, by calling together the whole multitude of the disciples, and collecting the common suffrages of that whole assembly at one and the same time. All these things were of Divine arrangement, but not equally [or after the same sort]. For in this matter the institution of the diaconate was essential, and never again to be abrogated in the church of God ; but not so the number of seven, which was specially accommodated to the circumstances of the Church of Jerusalem ; and it is strange that this was not observed by those who have very foolishly enacted that seven deacons should be appointed in every city. The mode also was essential of constituting this new office, to wit, election ; but that the whole multitude was convened, and the suffrages of all taken, this was a practice neither essential nor destined always to continue, although even this was not to be changed without some good reason. For the order for election is one thing, which (election) must be preserved unchanged, not only in deacons, but in all the sacred functions ; and the mode of election is another thing, in which (mode of election) this was essential and unchangeable, that nothing should be intruded upon an unwilling and reluctant church (ecclesiæ nolenti et reluctanti) ; but that at the beginning (of the process), the church was convened and the suffrages taken together, was accidental, and it was done for this reason, because the diaconate was then for the first time established in the church, the cause of which it was expedient to have understood at once by all together, and because the murmuring of the Grecians against the Hebrews could scarcely have been appeased in any other way. Afterwards, accordingly, when the multitude had waxed large, it was found by experience necessary to oppose a check to the confusion and canvassing thereby arising ; and it was wisely provided by the thirteenth canon of the Council of Laodicea (a provincial assembly, indeed, but whose decrees were ratified by the sixth General Council), that the election of those to be chosen for the sacred ministry should not be allowed to the crowd or people. Not, indeed, as if the church at large ought not to be cognisant and approbatory of the sacred elections,*



but because in this affair a middle course was become expedient ; that is, that what had previously been done together should now be done separately ; the leading or prerogative decision being accorded to the assembly of pastors ; in the second place, the acquiescence of the godly magistrate being requisite before ulterior proceedings ; and, finally, the people being publicly informed in regard to the whole matter, and if they have any reasons for dissent, an opportunity being allowed them of detailing these in a legal manner. This order, by the blessing of God, is that which has hitherto been religiously as well as wisely observed in this (our Genevan) state ; and when a certain democratic enthusiast, Morelli, from Paris, dared, by word and writing, to reprehend it, his treatise was deservedly condemned, both by this church and many of the French (Calvinist) synods."

Was it fair or candid to omit the whole of what is here given in italics ? Is it not plain that, in what Sir William has omitted, Beza has distinctly taught that the people ought to have a real and effective share in the election of all ecclesiastical office-bearers, and that it is essential and of perpetual obligation, as forming the substance of election,—or, at least, as being the very next thing to election, and therefore something very different from a mere right of stating objections,—that no one be intruded upon an unwilling and reluctant church ? Whether or not these statements are neutralized or explained away by the subsequent part of the passage, is a different question ; but it was obviously essential to a right view of the meaning of the whole paragraph that they should not have been omitted. By the omissions which he has made, Sir William has concealed from his readers the fact that Beza was not here discussing the election of ministers "of express intent,"—he has got quit of the words *nolens* and *reluctans*, which are stronger and more explicit than *conscia* and *approbatrix*,—and he has escaped the necessity of facing the inference which the general scope of Beza's statement *necessarily* suggests,—namely, that non-intrusion came very near to election, and was in substance virtually identical with it. His argument, from what he quotes of this passage, is, that the statement about the people, if they have any reasons for dissent, being allowed an opportunity of detailing these in a legal manner, implies that the church courts were entitled to intrude a minister upon a reclaiming congregation, whenever they thought the reasons of the people

unsatisfactory, or their opposition unfounded. We submit the following observations upon this point :—

1. Beza is not here discussing the subject of the election of ministers “of express intent,” but introduces incidentally, first, the diaconate, and then election generally, merely as an illustration of his views upon a more general topic which he was then discussing,—namely, the question, whether or not, and how far, apostolic practice formed a rule from which no deviation was to be allowed. This is manifest, both from the preceding and succeeding context, and would have been plain enough to a careful reader even from the passage itself, if Sir William had quoted it fully and fairly. A statement of doubtful import, or an inference of questionable validity, contained in, or founded upon, a passage where the subject is introduced incidentally, and not discussed “of express intent,” cannot in fairness be held to neutralize or explain away the clear and explicit statements contained in Beza’s Confession of Faith, where, in a formal exposition of this subject, the people’s right to choose, and the necessity of their consent, are laid down, *without any accompanying statements which contradict or modify them.*

2. The passage contains no statement in which it is either expressly asserted or necessarily implied, that church courts are to intrude ministers upon reclaiming congregations, when they think the objections or opposition of the people unreasonable and unfounded ; and nothing but an explicit declaration to this effect can be a sufficient ground for charging the doctrine of intrusion upon a man who has so explicitly asserted the right of the people to choose, and the necessity of their consent.

3. Although Beza plainly thought that the altered circumstances of the church might warrant some changes upon the apostolic practice in regard to the mode of election, and especially the giving of somewhat less influence, or rather prominence, to the people in the matter than the apostles assigned to them, yet he most carefully and expressly reserves twice over, in this very passage, the principle that no one be intruded upon an unwilling and reluctant church, and the necessity of their approbation, as points that ought never to be interfered with. The general scope of his statement plainly implies that what was thus reserved as of perpetual obligation, made a very near approach to election, and was in substance identical with it ; and neither here nor in any

other part of his works has he afforded any sufficient ground for believing that he employed these terms, as applied either to this or to any other subject, in any other sense than that which they naturally, obviously, and universally bear.

4. It outrages the plain dictates of common sense, and contradicts the invariable usage of language, to say, that men have a real voice or influence in an election, or that their consent and approbation are required, or that no one is to be appointed against their will, when in point of fact they have no right but that of stating objections, and when it depends wholly upon the judgment of a third party whether their objections are to be of any practical avail,—in other words, to say that there is no intrusion against their will when they have had an opportunity of stating objections, however decidedly they may continue to be opposed to the appointment; and an absurdity and perversion of language so gross ought to be ascribed to no man, unless he has charged himself with it in express terms, by telling us explicitly that in such a case the people may, in his judgment, be said to choose and to consent. Beza has said nothing like this, and it ought not to be charged upon him unnecessarily, upon the mere ground of a dubious and uncertain inference.

5. Even supposing that Beza had said directly, or by plain implication, that the opposition of the people should always be founded upon just and reasonable grounds,—*and he has certainly said nothing that looks so like a sanction to intrusion*,—this would not be sufficient to prove him an intrusionist; for the proper question is, not whether the opposition of the people should proceed upon just and reasonable grounds, but whether the judgment of the presbytery is to supersede and exclude the judgment of the people. Non-intrusionists think that the opposition of the people ought to proceed only upon just and reasonable grounds,—that is, that it ought to be the honest deliverance of their minds upon the question, whether it be right to receive the presentee as their pastor, and to subject themselves to him in the Lord,—a deliverance that should be based upon considerations which, in right reason, bear upon the settlement of such a question. This is the proper theory of the matter. We think that, in general, as the ordinary rule for regulating ecclesiastical procedure, and when neither in the avowed grounds of their opposition, nor in their manner of conducting it, there is any reason for the infliction of

ecclesiastical censure, the judgment of the people ought to prevail in excluding the presentee; and that the mere judgment of the presbytery to the effect that the opposition of the people is not founded upon good and reasonable grounds, is no sufficient reason for setting aside the opposition of the congregation, and intruding the presentee upon them as their pastor.

It is common, indeed, to speak popularly, and for brevity's sake, of the principle of non-intrusion, as giving the people a veto or negative *without reasons*; and it is a curious confirmation of our views, that both Mosheim and Dr Campbell of Aberdeen, in describing historically the practice of the primitive church, have, without any reference to controversial discussions, fallen into the use of this very expression; but the expression is inaccurate, and liable to be misunderstood. The proper statement of our principle is, that the opposition of a Christian congregation ought, as a general rule, to be held a sufficient reason for excluding a presentee, *without the people being obliged to substantiate the reasons of their opposition to the satisfaction of the presbytery*. And as this is the true state of the question, it is manifest that, while every assertion of the people's right to choose, and of the necessity of their consent or approbation, is *a fortiori* a clear testimony in our favour, nothing can be a real testimony against us, except an explicit declaration, that *election* and *consent* mean merely a right of stating objections, or that church courts are entitled to intrude ministers upon reclaiming congregations, whenever they are not themselves satisfied with the soundness and validity of the people's reasons of objection. It is not enough to prove that a man was opposed to our views, that he said that the opposition of the people must be founded upon just and reasonable grounds. He can be rightly adduced as an authority against us, only if he has further and specifically declared, that the judgment of the presbytery against the reasonableness of the people's opposition is a sufficient ground for intruding the presentee, though the congregation continue to reclaim. We might, in stating our principle, declare, without any inconsistency, that the opposition of the people ought to be founded upon just and reasonable grounds, for this is the true theory which in speculation we defend; and we decline to state our principle in this form, only because we are led to see, from the ground taken up by our opponents, that this might seem, or be supposed to imply, that another party was

entitled to judge whether the grounds were reasonable and valid or not, and if they thought them invalid, to disregard the opposition, and to intrude the presentee.

In the celebrated Act of Parliament, 1592, c. 116, it is declared, "that the provincial Assembly has power to depose the office-bearers of that province for good and just cause, deserving deprivation;" and among other exhibitions of weak and inconclusive reasoning, recently made in speeches against the church, both at the bar and from the bench, it was contended that this necessarily implied, that some other party was entitled to judge whether the cause of deprivation was good and just, and if they thought it not good and just, to reverse or cancel the decision of the provincial Assembly. But the provision does not necessarily imply any such thing. *For anything contained in the provision, this might or might not be the case, according to circumstances.* The provincial Assembly would give a statement of its own duty in the very same terms, and would not claim, or wish to exercise, any higher power in the matter than that of deposing for good and just cause. Whether another party is entitled to review the judgment of the Assembly, and, if it think the cause of deposition not just and good, to reverse it, is a totally distinct question, which cannot be determined by this mere general statement of what is the proper duty and function of the Assembly, but only by materials derived from other sources. So, in like manner, a mere general declaration, that the opposition of the people must be based upon good and reasonable grounds, furnishes no testimony against our principles, for this is all that the people, or the defenders of their rights, would claim. There must, in addition to this, be distinct and positive evidence, that those whose authority is adduced, held explicitly, that some other party is entitled to determine whether the opposition is unreasonable and unfounded, and, whenever they think it unfounded, to set it aside. And if even a declaration that the opposition of the people must be founded upon good and reasonable grounds, would not have been sufficient to prove Beza an intrusionist, how much less ground is there for charging this Popish principle upon him, when he has only said, that if they have any reasons for dissent, an opportunity must be afforded them of detailing these in a legal manner!\*

\* There is another small matter | founded a charge of inaccuracy against  
about Beza, on which Sir William has | me. He quotes (p. 52, note) the fol-

These considerations are entitled to the more weight when it is considered, that the precise question now agitated between the intrusionists and the non-intrusionists was not at that period formally discussed. I am not acquainted with any formal discussion of it prior to the period when, about the time of the Westminster Assembly, the English Presbyterians began to indicate some declension from the sounder views which had been held by the great body of the Reformers, and had been always maintained by the Church of Scotland, about the standing and influence of the people. The substance of the intrusion evasion is indeed contained in the extract formerly given from Bellarmine; but this was not devised till the age after the Reformation; and, accordingly, the only contrivance which occurred to the Papists in the Council of Trent for getting quit of the testimony of the primitive church, was, to *omit* some passages which had been retained in their official books, and which plainly pointed to a recognition of the rights of the people. There was indeed a controversy between the Reformers and the Church of Rome on the subject

lowing passage from my Defence:—  
 “Beza was Moderator of the National Synod of the French Church, held at Rochelle in 1571, and there formally approved of this Discipline in all its heads and articles, and promised and protested to keep and observe it. (Quick, p. 99.)” And then he adds, “A misstatement was evident. Accordingly, on looking into the Synodicon, I find, that not Beza, but exclusively the ministers and elders of the Reformed churches of FRANCE, approved, etc.!!” In making this statement about Beza, I gave the reference to the authority, so that it was quite easy for Sir William to trace it. I assumed that Beza, as Moderator of the Synod, subscribed and approved of the Discipline, as well as the rest of the members. I acknowledge that Quick’s statement does not afford a proof, that Beza approved of the Discipline, but Sir William goes equally far wrong in the opposite extreme, in regarding it as affording a positive proof that he did not approve of it. The language employed might have been used naturally enough without

there being any intention of excluding Beza, or indicating that he did not approve, like the other members of Synod. And, in point of fact, other cases occur in the Synodicon in which Quick says, that the deputies of the Reformed churches “of France” approved of the Confession of Faith, when there was manifestly no exclusion of any one intended. I still think it highly probable that Beza subscribed the Discipline along with the other members of Synod; but as Quick’s words do not prove it, I of course abandon this point as an evidence that Beza was a non-intrusionist,—a position which can be fully established from his own writings, and does not need such a corroboration. This is the only inaccuracy which Sir William has detected in my pamphlet; and, besides that he has fallen into as great an error in the opposite direction, there is, as I shall afterwards show, another reason why he should have denied himself the pleasure which the statement of this matter has evidently afforded him.



of the election of ministers, *though, if Sir William's view of the sentiments of the Reformers be correct, there was no difference of opinion between them*; but it turned upon wide and comprehensive principles, without entering much into minute details. The question between them was in substance this, whether the people should be recognised as a party having an interest,—a real and effective voice,—an actual and honest influence and standing, in the election of their ministers;—whether they were entitled to enjoy, in regard to this important matter, liberty of conscience, and the right of private judgment,—or were to be, as the members of the ecclesiastical Establishment of Scotland now are, the mere slaves, in a matter bearing upon their own eternal welfare, of their civil and ecclesiastical superiors. And the Reformers were unanimous and decided in maintaining that, according to God's word, the Christian people had real rights,—an actual voice,—an influential standing, in this matter, which were to be exercised and enjoyed according to their own judgment and on their own responsibility, and which neither their civil nor their ecclesiastical superiors were entitled to take from them; although they did not deny, that the manner in which these rights should be exercised, might be regulated and modified according to the actual circumstances of the church, and as might seem best fitted to promote its peace and welfare. And, accordingly, in the Helvetic Confession, which was approved of by almost all the Reformed churches, this great Reformation principle is thus explicitly asserted:—"Let the ministers of the church be called and chosen by an ecclesiastical and lawful election; that is, let them be chosen religiously by the church, or by persons deputed by the church for that purpose, and without confusion, seditions, or contention."\*

We feel as if the strength of our cause were greatly obscured by the necessity of discussing elaborately such small points as those which Sir William has raised, and investigating the precise meaning of incidental and ambiguous expressions. Our argument rests upon clear, explicit, and unequivocal declarations of theological principle, contained in the writings of the Reformers, asserting the people's right to choose their ministers, and the necessity of their consent, uncontradicted and unmodified, in the case of Calvin, by a single statement in his whole writings inconsistent

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\* Sec. 18.



with these principles, or by a single hint that he used the words in any other meaning than that which they obviously and universally bear; and, in the case of Beza, alleged to be neutralized or explained away by one or two statements, which, however, are introduced incidentally when the subject was not formally under discussion, which are vague and ambiguous in their import, and which are not *clearly* and *necessarily* inconsistent with the formal and explicit declarations he has made.

It is not easy to conceive anything more silly and discreditable, than the boastings in which some men have been recently indulging, about the great extent of right and privilege which Lord Aberdeen's Act gives to congregations. The people have, under this Act, "the unlimited right of objecting,"—that is, of stating anything they choose in regard to the presentee. And this, forsooth, is held forth as a great privilege, an important right, while yet it depends entirely, first, upon the church courts, and then ultimately upon the civil courts, whether any objection they may adduce, or any statement they may make, is to be of any real avail, of any practical effect upon the question whether the presentee is to be settled. It was justly characterized by the Duke of Wellington and Lord Cottenham, in the House of Lords, as "an unlimited right of grumbling," and it is certainly nothing more. Englishmen are said to be fond of grumbling, and to find a pleasure in the exercise. Scotchmen, we rather think, will estimate this right at its true value, and regard it as no privilege at all.

Lord Aberdeen's Act, which is now the law of the ecclesiastical Establishment of Scotland, is a compound of the opposite extremes of Popery and Erastianism. It is thoroughly Popish, in depriving the people of all rights, and of all real influence, in regard to the choice of their ministers, and making them entirely dependent upon the judgment of the church courts, who, in opposition to the great principles of the Reformation, and the practice of almost all Reformed churches, are entitled to intrude ministers upon reclaiming congregations. And it is thoroughly Erastian, in subjecting the church courts, in spiritual matters, to the control and superintendence of the Court of Session. For, while the Act directly and explicitly requires the church courts to disregard the opposition of the people, and to intrude ministers upon them against their will, in contradiction to the original constitution of

the Church of Scotland, and her doctrine and practice in her best and purest times, it also, by plain implication, gives the sanction of law to all the recent decisions of the Court of Session, and to the principles on which they were based, thus reducing the ecclesiastical Establishment to the condition of a civil institute. The people are now the slaves of the church courts, and the church courts are the slaves of the Court of Session. And although some patrons may, for the present, affect to show some deference to the popular voice, still the people are slaves in this matter, and will be made more and more to feel that they are so.

One objection that used to be adduced against the principle of non-intrusion was, that it was harsh and unjust to presentees, by setting them aside, without any grounds of charge being adduced and substantiated against them. The working of Lord Aberdeen's Act has already afforded a curious commentary upon this matter of fairness and tenderness to presentees. Cases have occurred in which the people, in the exercise of their "unlimited right of objection," have pilloried the poor presentees, by bringing publicly forward all their follies, frailties, and infirmities, and even their physical defects, and thus exposing them to ridicule and contempt for life. Independently of the unanswerable proof which has been adduced, that the principle of non-intrusion is a sound one, and ought therefore, as a general rule, to regulate ecclesiastical procedure, even though it might be accompanied with some drawbacks or attended with occasional inconveniences, it is surely, even upon the score of fairness and kindness to presentees, much better to deal with them upon the honest, tangible, straightforward ground, that the congregation is a party whose consent or concurrence is necessary to their appointment, and that having failed in getting the consent or concurrence of this party, they must just be set aside, than to subject them to the risk of having all their defects and infirmities raked up and exposed to public view, discussed in all the church courts, and paraded in all the newspapers. The presentees, to be sure, are pretty certain of being consoled at length with getting the stipend. And the people, probably, will soon learn, that, however loudly they may grumble, they cannot exclude the presentee, and will not think it worth their while to exercise the grand privilege of the unlimited right of objection.

In considering Lord Aberdeen's Act in a constitutional point of view, it should not be forgotten that we have the distinct and

explicit testimony of one of our ablest opponents, Dr Robertson of Ellon, that by the Revolution Settlement, which was guaranteed to the Church of Scotland by the Act of Security and the Treaty of Union, "the church was trusted by the State to an unlimited extent," and had "an uncontrolled judgment," in regard to the settlement of ministers,—and that "she might have transgressed the regulations of the said Act [1690] without having subjected herself, in consequence, to any interference from the civil courts." How different is the condition to which she is now reduced, and how manifest is it that, in reducing her to her present degraded condition, the civil power was guilty of a violation, at once of great scriptural principles, and of the most solemn national engagements! There is some reason to believe that our civil rulers were pretty distinctly aware, that in rejecting the church's claims previous to the Disruption, and in afterwards binding her down under the Erastian domination of Lord Aberdeen's Act, they were violating the Act of Security and the Treaty of Union.

In the discussion in the House of Commons in March last, which settled the fate of the Church of Scotland, there was, on the part of the opponents of Mr Fox Maule's motion, a deliberate and determined evasion of the constitutional arguments adduced on the opposite side. Mr Rutherford's admirable and unanswerable argument, upon the constitutional law of Scotland, was met, on the part of Sir William Follett, as the law officer of the Crown, by literally nothing else than the assertion, "that he thought it very unlikely that this should be the constitution of Scotland, or of any other civilised country." Sir William seems to have felt that he could not answer the constitutional argument in behalf of the church's claims. But Sir Robert Peel thought them inconsistent with "the principles of English jurisprudence;" and Sir James Graham characteristically denounced them as opposed to "law, justice, equity, and common sense;" and so the matter was settled, and a deed was perpetrated which was at once a heinous sin against God, and a violation of national faith.

#### *Sec. IV.—Doctrine and Practice of Calvinistic Churches.*

We must advert briefly to the other parts of Sir William's Demonstration. After discussing the sentiments of Calvin and Beza, he proceeds to unfold the views of the other Presbyterian

and Calvinistic churches; and, *First*, he gives an extract from Musculus's "Common Places," describing the practice of the Bernese Church. The testimony of Musculus was adduced for the same purpose by Whitgift, and the unfairness of the use made of it was exposed by Cartwright in his first Reply.

Its unfairness and irrelevancy will be manifest from the following considerations :—

1st, Sir William, after quoting Musculus's account of the ordinary practice of the church at Berne, is obliged to admit, "that in the statement of Musculus no mention is made of the right of the people to object, even for reasons assigned." The instance therefore proves too much, and of course proves nothing. It is an illustration, among many others, of the folly of drawing inferences *from what is merely omitted to be stated*. It illustrates, also, the important consideration, that in order to understand fully the place and influence actually enjoyed by the people, we require to know, not merely the general rules made with the concurrence of the civil power for regulating the place and province of the civil and the ecclesiastical authorities in this matter, but likewise the principles on which the ecclesiastical authorities intended to execute their functions.

2d, Musculus's statement contains nothing which either expressly asserts or necessarily implies, that ministers were to be intruded upon reclaiming congregations; and, therefore, is not relevant to the question in dispute.

3d, Musculus, in the context, has explicitly asserted that ministers should be chosen with the consent of the people, and that "thrusting a pastor upon a church which has not chosen him, agreeth to a church that is not free, but subject to bondage."

*Secondly*, We have next the practice of the Wetteravian churches, described in a quotation from Zepper,—not a statement of theological doctrine or ecclesiastical principle, but merely a description of practice. We have only to observe, in regard to this case, that there is nothing in the quotation which either asserts or implies that ministers are to be intruded upon reclaiming congregations,—that the concurrence of the people is sought, and their consent inferred from their silence when they are silent,—but that no provision whatever is made, directly or by implication, for the case of their simply refusing their consent. And, moreover,

Zepper, in the second page after that from which Sir William's quotation is taken, makes it quite plain that he did not consider the practice which he described, as depriving the people of a share in the election, or as interfering with the principle of non-intrusion; for, in commenting upon the apostolic practice, for the purpose of showing that that of the Wetteravian churches was in substantial accordance with it, he proves that the apostles did not take the election of ministers wholly into their own hands, but assigned some real power in this matter to the people, and were careful to intrude no one upon them against their will.

*Thirdly*, Sir William next proceeds to the Dutch Church, and quotes some of the canons in regard to the election of ministers sanctioned by the Synod of Dort. But these canons, while they assign the initiative to the elders and deacons, contain not one syllable that has even the appearance of favouring intrusion; and, indeed, expressly require "the approbation of the members of the particular church," without any hint that approbation does not mean approbation in the common sense of the word.

Sir William ought also to have known that the Synod of Dort, in giving a sort of qualified toleration of patronage, and laying down the terms or conditions on which alone they could submit to it,—the limitations within which it should be exercised,—expressly provided, "*ut ecclesiæ retineant jus præsentatum repudiandi, siquidem dona, aut ingenium, aut mores ejus ipsis minime placeant, ne invitis ministri obtrudantur.*" Will he try to pervert this provision into an accordance with his own intrusion principles? Is it possible to embody in words a more unequivocal assertion of the principle of the Veto Act? Is it not manifest, that in the judgment of the Synod of Dort, patronage could be submitted to only when checked by a veto or right of repudiation on the part of the people? And have we not, therefore, the clear testimony of this celebrated council in favour, not only of the soundness and importance of our principle of non-intrusion, but also of the duty of abandoning all connection with a system in which that principle is trampled under foot?

"In supplement and illustration of these canons," which he evidently felt afforded no real countenance to his views, he gives a quotation from Voetius, and plainly wishes to convey the impression that this quotation exhibits the *whole* of the power or influence

which Voetius and the Dutch Church assigned to the people. But how stands the fact? Voetius, with the Dutch Church, assigned the nomination or election to a joint meeting of the elders and deacons. He lays it down, that before proceeding to election, the office-bearers should sound the opinions and feelings of the people about the different candidates, make what he calls a *præcognitio sensus et inclinationis populi*, and that in the election they should give some weight to the result of this precognition, *but not be absolutely determined by it*. Now, it is from Voetius's illustration of this precognition *previous* to the election that Sir William's quotation is taken, *while he conceals the fact*, which, if he had really looked into Voetius, he could scarcely fail to know, that, *in addition to all this*, Voetius asserts that, *after the formal election by the elders and deacons*, "*the approbation and consent of the people was required*," and establishes this position by arguments which plainly show that he understood the words, in their ordinary meaning, as implying at least a veto or negative.

Lest it should be supposed that Voetius, by ascribing the formal election to the elders and deacons, intended to deny the substance of the great Protestant principle of the right of the people to choose their own office-bearers, I subjoin the following quotation from him :\*—"Hoc autem moneo, essentielle vocationis esse liberam electionem ; accidentale vero esse modum electionis, sive per suffragia singulorum ad hoc evocatorum ; sive per scrutinium, sive per expressum aut tacitum assensum, sive per compromissum. Plessæus ait. 'Quanquam vero populus eligit et electum presbyterio confirmandum proponit, interdum eligit presbyterium a populo postea confirmandum ; constat tamen antequam munus istud obirent, perpetuo consensum et populi et Cleri, id est, totius ecclesiæ requisitum fuisse.' Dicendum itaque jus electionis Ecclesiasticæ in presbyterio conservari et per illud principaliter exerceri ; non vero a populo tolli et in presbyterium transferri. Quod enim quis per alium facit, per seipsum facere putandus est. Cum enim ecclesia constet et antecessoribus, et populo (tanquam partibus integrantibus), dicimus radicaliter potestatem eligendi residere in antecessoribus ; adæquate autem in tota ecclesia, quæ constat ex antecessoribus et populo. Quod si exercitii hujus potestatis principium consideremus, illud duplex est *quo et quod*. Principium

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\* Politica Ecclesiastica, Pars. iii. p. 603.

*quo, est synedrium, quod nomine ecclesiæ et pro ecclesia eligit; quia ab ecclesia ad hoc constitutum est, ut colliges ex quæst. catechetica 85. et Liturgia nostra in formula confirmationis Seniorum et Diaconorum. Principium quod, est tota Ecclesia."*

*Fourthly*, Sir William next discusses the principles of what he calls the "English Presbyterian Church,"—that is, of the English Presbyterians during the civil war and the Commonwealth. It is well known that the English Presbyterians of that period showed some symptoms of a declension from the sounder views in regard to the standing and influence of the people, which had been held by the Reformers, and were still maintained by the Church of Scotland. I had adverted to this fact, and hinted at the causes of it, in the following passage:—"It is well known, although Mr Robertson does not know it, else he would have mentioned it, that some of the English Presbyterians at this period had been led to entertain views of the rights of the Christian people in the appointment of their ministers, of a somewhat more narrow and illiberal cast than had ever been sanctioned by the Reformers, or countenanced by the Church of Scotland. Travers, the opponent of Hooker, and Cartwright, the antagonist of Whitgift, who were the two ablest and most learned men among the early English Presbyterians, and who, when persecuted in England for their Puritanism, were invited by Andrew Melville to Scotland to become professors of divinity, held the right of the people to choose their own ministers, and the necessity of at least their consent. The five distinguished divines who, in 1641, published the celebrated work usually called *Smectymnus*, all of whom were members of the Westminster Assembly, had also maintained the right of the people to choose their own ministers.\* And here it is interesting to notice, that those of them who took any part in the discussions in the Westminster Assembly on the point we are now considering,—namely, Marshall, Calamy, and Young,—supported the commissioners from the Church of Scotland, in maintaining that a higher place and a greater influence should be given to the people.† At the same time, it is plain from Lightfoot's account of this discussion, as well as from other sources, that there were

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\* *Smectymnus*, pp. 33–35.

† Lightfoot's *Journal*, Works, vol. xiii. pp. 231–3.



some members of the Assembly, who, while they would not have disputed the lawfulness and propriety of popular election, did not think the people had a right to choose,—did not hold, in a strict and proper sense, the necessity of the people's consent; and who seem to have been disposed to give to church courts a power to disregard their opposition if they thought the reasons ill-founded. Nothing like this had ever before been maintained by Presbyterian divines; and the fact that it appeared at this time among some of the English Presbyterians, is to be explained by a very peculiar combination of causes,—namely, *first*, their Episcopalian education; *secondly*, a tendency to lean to the opposite extreme, rather than even appear to countenance anything like Independency; and, *thirdly*, the very anomalous and distracted state of the community at this time. With such views prevailing among some of the members of the Westminster Assembly, they could not agree together in any proposition upon the subject which went farther than that which we find in the Directory. Not merely the Scotch commissioners, but some of the regular members of the Assembly, struggled hard to get introduced something more full and satisfactory in regard to the power and rights of the people,—to have an assertion of their right to choose, or of the necessity of their consent, or of the unlawfulness of intrusion, inserted. But this could not be obtained. And the Assembly, after having, upon a vote, refused to entertain for discussion these two propositions tendered,—‘*first*, A minister is not to be ordained at all, without the consent of the congregation; and, *secondly*, The people have a right to nominate,’—ultimately agreed *unanimously* to the proposition as it now stands in the Directory; not, of course, because they all thought it satisfactory and sufficient, but because it was unquestionably true in itself, so far as it went,—because it was not so expressed as to import a denial or renunciation of the higher doctrines which many of them held on the subject,—and because it went as far as the Assembly could go unanimously upon the point.”\*

They had not, however, wholly abandoned the principles which had been generally held by Protestants upon this point, or cordially embraced the opposite opinions. They were to some extent in a state of doubt or vacillation, not admitting that the Scriptures

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\* See *supra*, p. 391.

positively required them to hold the people's right to choose, and the necessity of their consent, but shrinking from a formal denial of these principles, and clinging, as far as they could, to the use of the common Protestant phraseology. This has introduced a certain measure of obscurity and confusion, if not positive inconsistency, into some of their statements. For instance, in the same work from which Sir William's principal extract against popular election is taken, they make the following statements:—"Here we desire the reader to take notice, that in this argument we shall not at all speak of the people's election of their minister. Not because we are enemies to popular election, rightly managed and ordered, or because we think that the ministerial call doth not consist in election as well as ordination (for we have formerly declared the contrary). But because the great stumbling stone and rock of offence against the present ministry is in reference to their ordination, therefore it is that we insist upon that only." "Surely, this way of ordination by the people is a device that hath neither ground for it in the Scripture, nor in all antiquity. And for private Christians to assume, not only a power to elect their own ministers,—that is, to nominate persons to be made their ministers (which we noways dislike or deny, so it be done in an orderly way, by the guidance of the presbytery),—but also to undertake, without ordination, to become public preachers themselves; and not only so, but to send forth ministers authoritatively to preach the gospel and administer the sacraments, this is a sin like unto the sin of Uzziah and of Korah and his company."\*

Even the long quotation which he has given from this work does not fully bear out the conclusions he would found upon it. The main proposition which, in the extract quoted, the authors formally labour to establish, is one in which all Presbyterians concur with them,—namely, "that the election of a minister doth not by divine right belong wholly and solely to the major part of every particular congregation;" and though it cannot be denied that, in the discussion of this point, they make statements which plainly imply that, in opposition to the great body of the Reformers, they thought that the Scripture does not require that the people should choose their own ministers, even in the sense in which Presbyterians have usually held that principle, yet it is also plain

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\* *Jus Divinum Ministerii Evangelici*, P. ii. pp. 16, 97.

to a careful reader, that they were much more confident of the falsehood of the Independent principle, which ascribed the election of a minister "wholly and solely," and without the intervention of any other party, to every particular congregation, than of the invalidity of those grounds upon which the Reformers generally ascribed election to the people, though not exclusively, and maintained at least the necessity of their consent. The sentence which *immediately* precedes the long extract which Sir William has given, shows very clearly that their leading object was to oppose the Independent principle, which either superseded ordination altogether, or gave it as well as election to the people. It is this:—"Now, though we do not purpose to speak much concerning popular election, yet because there are many that lift it up too high, and make the whole essence of the ministerial call to consist in it, and that look upon ordination, if not as antichristian, yet at best but as a circumstance of the ministerial call which may be as well omitted as used; therefore we are necessitated to propound unto our people these ensuing propositions concerning popular election:—*First*, That the election of a minister doth not by divine right belong wholly and solely to the major part of every particular congregation."

After having established this first proposition in the quotation which Sir William gives, they proceed to lay down a *second*, also directed against the Independents,—namely, "that the whole essence of the ministerial call doth not consist in election without ordination." The same uncertainty or vacillation is manifest in their Directory and Form of Church Government, and is curiously illustrated by the fact mentioned by Sir William, though he evidently did not understand the reason of it,—namely, that while in the Directory the following sentence occurs,—"and if upon the day appointed there be no just exceptions against them, but the people give their consent, then the presbytery shall proceed to ordination,"—in the "Form of Church Government to be used in the Church of England and Ireland," the words, "but the people give their consent," are omitted.

It has been alleged that the proposition in the Westminster Directory, that "no man is to be ordained a minister for a particular congregation, if they of that congregation can show just cause of exception against him," affords a proof that the Church of Scotland at that time did not hold the necessity of the people's

consent in the obvious and ordinary meaning of the words. This point I have already fully discussed. I am not aware that any attempt has been made to answer what I have published upon this point, and shall therefore at present only affirm, that this proposition does not express the *whole* of the power or influence which the Scottish Commissioners in the Westminster Assembly, and the Church of Scotland in general at that time, assigned to the people in the election of their ministers.

These English Presbyterians have not *explicitly* asserted the right of church courts to intrude ministers upon reclaiming congregations, or *expressly* restricted the influence of the people to a mere right of stating objections. And perhaps it may be asked, why do you concede that some of them were virtually intrusionists, and refuse the same concession in regard to Calvin and Beza? The difference between the cases,—and we hold it to be perfectly satisfactory and conclusive,—lies in these two points:—*First*, Calvin and Beza have distinctly and explicitly asserted, as a doctrine based upon the word of God, that ministers should be settled only upon the choice or petition, or with the consent, of the people; have never denied this doctrine, or made any statement necessarily inconsistent with it; and have not afforded any adequate ground to believe that they used the words *petitioning*, *choosing*, *consenting*, in any other sense than that which they obviously and universally bear; whereas the English Presbyterians referred to have never explicitly asserted the necessity of the people's consent, and have maintained that popular election, though not objectionable when rightly regulated, is not positively binding by scriptural authority. *Secondly*, Calvin and Beza were not called upon to discuss and decide the precise question now in dispute,—namely, whether the people, in order to make their opposition to the settlement of a minister effectual, are bound to substantiate the reasons of their dissent to the satisfaction of the presbytery. There is no reason to believe that this precise question was ever present to their minds,—that they ever gave, or intended to give, a deliverance upon it. It is easy to see, from their general principles, how they must in consistency have decided it, if it had been started. But, in point of fact, it was not then formally started or discussed, and therefore it is unwarrantable and unfair to ascribe to them an opinion regarding it, opposed to their general principles, upon the mere ground of a vague, incidental, am-

biguous expression, of a remote and dubious inference founded upon the turn and structure of a single equivocal sentence; whereas the English Presbyterians unquestionably had the principle of non-intrusion, in our sense of it, and with a distinct reference to the precise point now in dispute, pressed upon them by the Scottish Commissioners, and by some of the most learned and able of their own number; and they virtually rejected it, or rather refused to adopt it; a fact which requires us to put upon their subsequent statements,—vague, and cautious, and vacillating as they are,—a construction which it is not only not necessary, but not warrantable, to put upon one or two somewhat similar statements of the Reformers.

While we concede to our opponents the uncertain, dubious, and vacillating testimony of some English Presbyterians, who were somewhat turned aside from the middle path of truth by their opposition to Independency, and who seem to have imbibed some Popish and Moderate views upon this point, though they have not openly and explicitly asserted them, it is gratifying to recollect, that the Scottish Presbyterians, even while contending strenuously against Independency, continued to maintain the great Reformation principle of the right of the people to choose their own office-bearers, and the necessity of their consent. I have repeatedly had occasion, in the course of this controversy, to refer to this point, and to establish this position by references to the works of Gillespie, Baillie, Wood, Rutherford, and Ferguson. And it is deserving of remark, that the same observation applies to Apollonii, who, in a work which was written in the name of a Dutch presbytery, in formal and express opposition to the Independent principles then propagated in England, and for which he received the thanks of the Westminster Assembly, has the following statement:—“*Concedimus quod omnibus ecclesiæ membris potestas competat eligendi sibi ministros et pastores, sive suffragiis, sive consensu libero. Hæc enim potestas Sacræ Scripturæ regulis fundata reperitur (Act i. 23, vi. 2, 3, 4, and xiv. 22). Attamen hac electione potestatem clavium in ministros seu pastores electos non conferunt nec derivant fideles; sed tantum designant illum cui ex ordine divino per ordinationem ecclesiasticam, officii ecclesiastici potestas tribuenda est. . . . Ordinatio ecclesiasticæ jurisdictionis est actus . . . at vero actus electionis seu nominationis non est jurisdictionis et authoritatis ecclesiasticæ,*

sed libertatis membrorum ecclesiæ et doni discretionis actus ; per quem spiritus probant, vocem pastoris discernunt, illumque eligunt cujus doctrina duci volunt.”\*

*Fifthly*, the last and only other point which Sir William has discussed is the doctrine and practice of the French Protestant Church ; and his statements upon this topic are perhaps more extraordinary than any in his whole “Demonstration.” The substance of them is contained in the following quotations :—“ You adduce the French Calvinist Church. This, however, was not an Established Church, and examples from Establishments are alone in point ; for I admit that it is a necessary condition (be it for evil or for good) of an unendowed church, that those who contribute towards the stipend must concur in the appointment of the pastor. But I accept the instance ; and shall endeavour, in the sequel, to convince you that this is not a favourable, but an adverse, example. By this church your principle was, in fact, explicitly condemned.” “ I now proceed to consider the French Huguenot Church, which, as not an establishment, I am entitled to throw out of account ; because the circumstances of such a church render it wholly impossible to adopt the mode of pastoral election under which a church, absolutely, can *exist best*, but only the mode under which this church, relatively, can *exist at all*.”

Here he enlarges upon the circumstances in their external situation, which rendered it necessary for them to give influence to the people, and then goes on :—“ The French Calvinist divines were a most learned and enlightened body, and fully aware of the evils from submitting so important a concern as the election of pastors to the ignorance, prejudice, and blind impulse of the congregations at large. We shall therefore find, that all that could possibly be done, in the circumstances, to emancipate the sacred elections from the control of the multitude, was by them actually done ; and, therefore, so far is the example of this illustrious church from affording any countenance to a project of allowing to the people (when that possibly can be refused) the

\* Consideratio quarundam controversiarum ad regimen ecclesiæ Dei spectantium, quæ in Angliæ regno hodie agitantur, ex mandato et jussu classis Walachrianæ conscripta, a Gulielmo Apollonii verbi Dei apud Mid-

delburgenses ministro, et ab ecclesiis Walachris, ad ecclesiarum suarum sensum et consensum judicandum, transmissa ad Synodum Londinensem, 1644. (Pp. 53, 54.)



right of election, or the right of an arbitrary veto on elections, that, on the contrary, it supplies one of the strongest instances against both." After giving an extract from the Discipline of the French Church, he says,—“Were we ignorant of all the proceedings of the French Synods, it would be sufficient to read the preceding Article of Discipline itself, to be convinced how anxiously (although, in the circumstances of an endowed church, it could not be wholly evaded) the enlightened framers sought to check, impede, and, as far as possible, prevent, the interference of the people in the pastoral elections.”\* He speaks also† of the “concessions which the voluntary Huguenot Church was involuntarily compelled, by adverse circumstances, to accord to congregations.”

The only thing which Sir William has produced about “the proceedings of the French Synods,” is an extract from Beza’s ecclesiastical history, giving an account of the condemnation of Morellius at the Synod of Orleans, in 1562; and I have not thought it needful to dwell upon it, for two reasons,—namely, *first*, because it is a very brief, summary, and defective account of the views of Morellius, and of the sentence pronounced against them by the Synod,—subjects about which it is easy to get fuller and more authentic information from other sources; *secondly*, because Beza’s account of the matter, summary and defective though it unquestionably is, contains nothing which can be regarded by men who are in any measure satisfied with the observations I have already made, as having even the appearance of proof, that in condemning Morellius, the Synod intended, as Sir William insinuates, to condemn our principle of non-intrusion. Chandieu, or Sadeel, was moderator of this Synod,—a man of great talent and learning, and at that time, though still a very young man, perhaps the most eminent and influential person among them. He was appointed to write an answer to Morellius, and this he did in a work entitled, “Confirmation of the Discipline,” which, I believe, was published by the authority of the church. This work I have not seen; but in the collected edition of Sadeel’s works, there is an extract given from it, in which he explicitly and strenuously asserts the right of the people to choose their own ministers, and founds upon the fact that the Reformers

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\* Pp. 14, 51, 52, 54.

† P. 52.



were chosen by the people,—a proof of the validity of their mission, of their right to be regarded as ministers of Jesus Christ, and entitled to administer divine ordinances. That Sadeel, the moderator of the Synod of Orleans, in a formal answer to Morellius, written by appointment of the French Church, asserted this principle, is a very important fact, and affords a curious commentary upon the taunt which Sir William is pleased to throw out in connection with this subject, in calling Morellius “the father of non-intrusion.” Sir William tries another small trick on this occasion, by printing in capitals the words,—“a notorious schism in the church,”—which the Synod charged Morellius with creating. He evidently thought this a capital hit at us, and plainly intended to insinuate, that as we held the same views with Morellius, we were virtually denounced as schismatics by the Protestant Church of France, just as if it were not quite plain in itself, and perfectly palpable on the face of Beza’s statement where these words occur, that Morellius’s alleged schism lay in his opposing the doctrine of his church, and refusing to submit to the sentence of its supreme judicatory,—and as if, even in these circumstances, the question, whether he was a schismatic, was not to be determined by the decision of the previous question, whether his views or those of the Synod were *right*.

Intelligent readers will, on perusing Sir William’s quotations, see at once that they exhibit an uncertainty, a vacillation, and inconsistency, an eager desire to neutralize or undermine the testimony of the French Church, to disprove its relevancy and its value, which comport very ill with the confidence of their general averments. They will be particularly struck with the circumstance that Sir William, *after* quoting the canon, did not again venture to assert, that the French Church “explicitly condemned” our principle of non-intrusion, but skulked off, in what is the last sentence of his “Demonstration,” with this most lame and impotent conclusion,—that “although in the circumstances of an unendowed church it could not be wholly evaded, the enlightened framers sought to check, impede, and, as far as possible, prevent, the interference of the people in the pastoral elections,”—a conclusion which, first, is not well founded, and which, secondly, even if it were, must be felt by every man to come far short of what Sir William had boldly asserted and confidently undertaken to prove.

There are two questions raised by these statements, which must be kept distinct, though Sir William has mixed them together,—*first*, whether or not the practice of the French Church favoured the principle of non-intrusion as understood by the supporters of the Veto Act; and, *secondly*, whether their practice, if it was favourable to our views, is of any real weight or worth, as being an indication of what the French Church thought right and proper in the matter. The general point in dispute is,—whether the opposition of a congregation should exclude a presentee, without their being obliged to substantiate the reasons of their opposition to the satisfaction of the church courts. We maintain that it should. Sir William denies it. We appeal to the practice of the French Protestant Church as a testimony in our favour. Sir William asserts that “this is not a favourable, but an adverse, example. *By this church your principle was, in fact, explicitly condemned.*” “It supplies one of the strongest instances against allowing to the people (when that can possibly be refused) the right of election, or the right of an arbitrary veto on elections.” It is only with the right of “an arbitrary veto” that we have at present to do. It is not to be supposed that Sir William intended any evasion by calling it an *arbitrary* veto. He knows well enough that the veto which we defend, and which he nicknames “arbitrary,” is just a veto, the reasons of which the people are not bound to substantiate to the satisfaction of the church courts; and he has declared that this principle the French Church has, “in fact, explicitly condemned.” We take the liberty of asserting, on the contrary, that this principle the French Church has explicitly sanctioned, in words which are too plain to admit of any doubt as to their import, and which cannot be evaded or perverted.

To prove this, we need only quote the canon of the French Church upon this subject, and we shall give Sir William’s own translation of it: “He whose election (by the Colloquy or Provincial Synod) shall have been notified to the church, shall preach the word of God for three several Sundays (but without the power of administering the holy sacraments, or celebrating marriages) before the people, in order that they may be aware of his manner of teaching. The said people being expressly advertised, that if there be any one who knows some impediment wherefore the election of him thus nominated may not be carried into effect, that he come and make it known to the Consistory, who shall

listen patiently to the reasons any one may allege, in order to judge thereof. The silence of the people shall be held as an express consent. But if there be contention, and that the person nominated, being agreeable to the Consistory, is not agreeable to the people, or the major part thereof, his reception shall be adjourned, and the whole matter reported to the Colloquy or Provincial Synod, to judge as well concerning the justification of the nominee, as concerning his reception. And although the said nominee be justified, he shall not be given to the people for pastor contrary to their desire, nor even to the discontent of the majority; neither, again, shall the pastor be given, contrary to his desire, to the church; and the dispute shall be cleared, by order as aforesaid, at the cost and expense of the church which shall have moved in it." The original French of that part of the canon which bears most directly upon the subject in dispute is this: "Et combien que le dit nommé fut là justifié, il ne sera toutefois donné au peuple contre son gré pour pasteur, ni meme au mecontentement de la plus grande partie."

Is it possible that any man who will allow himself calmly and deliberately to exercise his faculties upon these words, can entertain a doubt, that the rule of the French Protestant Church was, that the opposition of the congregation was to exclude the presentee, even when they failed in substantiating the grounds of their opposition to the satisfaction of the church courts? "What reliance is to be placed" upon the statements of a man who, with this canon before him, with an intention of quoting it, and with the declared resolution of discussing only the *principle* of non-intrusion,—“throwing aside all that is collateral and contingent, all of circumstantial that has arisen in the attempt to actualize the abstract principle of non-intrusion, in a concrete form,—throwing aside the Veto law, and all the objections to which, as an individual enactment, it may be exposed,”—could gravely tell the Convocation ministers, “By this church your principle was, in fact, explicitly condemned,” and then quote this canon in proof of his assertion?

But Sir William, who, notwithstanding the strength of his averments, seems to have been by no means confident of the truth of his position that the French Church explicitly condemned our principle of non-intrusion, wisely provides another string to his bow. He endeavours to set aside the testimony of this church, on

the ground that it was not an established church, and that, being dependent upon the voluntary contributions of the people, it was obliged to concede to them some influence, whether it approved of their having it or not. In former discussions upon this point, the intrusionists felt themselves compelled to admit that the testimony of the French Church was against them, and merely attempted to neutralize it by the consideration which has just been referred to, and which Sir William has borrowed from them. It would have been more creditable to him if he had stuck to this second mode of disposing of the testimony of the French Church. The fact that the French Church was not an establishment, but dependent upon voluntary contributions, does not of itself afford any ground for conclusions as to the matter in dispute. The question is, whether the principle of non-intrusion, in our sense of it, is one on which a Christian church ought to act in the settlement of ministers. We establish the affirmative of this question, by arguments drawn from Scripture, reason, and expediency. We appeal, in support of our position, to the primitive church, and to the great body of the Reformers. We adduce the practice of the French Church. It was, beyond all question, their rule and practice to hold the opposition of a congregation a sufficient reason for rejecting a presentee, even when they failed in substantiating the grounds of their opposition to the satisfaction of the church courts. The fair presumption of course is, that they adopted this rule because they thought it right and proper, accordant with Scripture, and conducive to the interests of religion; and if so, then we have their explicit testimony in our favour.

If it be alleged that they adopted this rule for some other reason than because they approved of it, this allegation must be established by satisfactory evidence. Sir William has not only, after the example of former controversialists, insinuated that the adoption of this rule was the mere result of their external circumstances, but, with a boldness peculiar to himself, he has expressly spoken of the "concessions which the voluntary Huguenot Church was involuntarily compelled, by adverse circumstances, to accord to congregations." Now, not to dwell upon the evidence which this statement affords that Sir William was well aware that the French Church made concessions to congregations,—concessions which he has taken care not to specify, but which, beyond all question, included the principle of non-intrusion in our sense of

it,—we ask him, what evidence he has to produce that they were “involuntarily compelled by adverse circumstances to accord” these “concessions?” He has produced no evidence in support of this allegation, and he has none to produce. Has the French Church, or any one of its leading authorities, ever said, directly or by implication, or afforded any materials for believing, that they did not approve of the principle of non-intrusion, and that they adopted it merely because the exigencies of their situation required it? If not, the presumption stands untouched, and must be received by every honest inquirer after truth, as established,—namely, that they adopted the rule and practice of non-intrusion, because they thought it a right principle for regulating the settlement of ministers.

Not only, however, can no evidence be produced that they “were involuntarily compelled by adverse circumstances to accord to congregations” what they unquestionably conceded to them,—namely, an absolute right of dissent, even when they failed in substantiating the grounds of their opposition, but positive evidence can be produced that Sir William’s assertion is unfounded, and that they really approved of this rule as a good one. Sir William says truly, that “the French Calvinist divines were a most learned and enlightened body,” and it is well known that these divines have generally asserted in their writings, and defended as a scriptural principle, the great Protestant doctrine of the right of the people to the substantial choice of their ministers, while they admitted that the mode of exercising this right might be somewhat modified according to circumstances. This could be easily proved by quotations from the most eminent French divines, from Sadeel down to Claude, including Chamier and Blondel, who were salaried by the church for the purpose of enabling them to devote their great talents and learning to writing in defence of her doctrine and government against all opponents. A work was published by Larroque, a very learned divine of the French Church, entitled, “Conformity of the Ecclesiastical Discipline of the Reformed Churches of France with that of the Ancient Christians;” and in that work, which has been always understood to speak the general sentiments of the French Church, we have, under the canon about election quoted above, a full and cordial vindication of the principle of non-intrusion, from the doctrine and practice of the primitive church, without the slightest

hint that the French Church did not heartily approve of it, or that she adopted it under the pressure of external circumstances.

I have only, in conclusion, to express my hope, that my readers will not forget, that the author on whose statements I have animadverted, publicly addressed the Convocation ministers, after they had been constrained, for conscience' sake, to quit the Establishment, in these words,—“Be not schismatics, be not martyrs, by mistake,”—that he undertook to “demonstrate to the satisfaction of all reasonable minds,” that they were “completely, unambiguously, and notoriously wrong,”—and that the grounds on which they acted “were perhaps,—I speak it advisedly,—the most signal and melancholy perversion of truth to be found in the whole annals of religious controversy;” and boasted that he had “collected a body of evidence sufficient to establish this inextinguishably.”

I wish all this to be remembered, in order that readers may sympathize with the feelings which I have not scrupled to indicate, and in order that, after surveying Sir William's performances in the light of the animadversions which have been made upon them, and noticing the ludicrous contrast which they present with his professions and his promises, they may form a juster estimate of this singular “Demonstration.”

## CHAPTER XIII.

### PATRONAGE AND POPULAR ELECTION.\*

WHETHER patronage is a thing that can be thoroughly defended, and ought to be approved of and continued, must depend on the question, How or in what way ought the pastors of Christian congregations to be appointed? This is the question on which the whole of the controversy turns. The decision of this question settles the whole matter, ay or no. It determines absolutely and conclusively what are the views we ought to entertain, and what is the course we ought to take on this point; and I venture to say, that whatever statements may be made in discussing the matter of patronage, and in whatever way the statements made may bear in favour of collateral topics, every consideration and every argument that does not bear on this question, and upon the answer that ought to be given to it, is irrelevant and evasive. I think it right to press this point; for I am satisfied, that by keeping it closely in view, we will be able to judge more readily of the relevancy or irrelevancy of the arguments adduced.

The real question before us, therefore, is, How ought pastors to be appointed to Christian congregations? And the first thing to be ascertained, in order to form a proper notion of the nature of the question, is, what are pastors? They are pastors of Christian congregations; and if we want to know how these pastors ought to be appointed, we have first to know what is the character of the office they hold, and of the functions they are called upon to execute. Those persons, in regard to the appointment of whom the whole question turns, are, as all admit, office-bearers of Christ's

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\* From report of a speech delivered by Dr Cunningham, in the General Assembly of the Church of Scotland, 1842, in support of the following resolution:—'That patronage is a grievance,—has been attended with much injury to the cause of true religion in this church and kingdom,—is the main cause of the difficulties in which the church is at present involved,—and that it ought to be abolished.' (Edrs.)



house. They are appointed to administer the laws of His visible kingdom, and are entrusted with the cure of souls. Now, in regard to the mode of their appointment, we must seek for information from the same source whence they derive their authority for executing the functions committed to them ; and while we apply there for information for the decision of the question, the inquiry will suggest some important general considerations, bearing on the settlement of the question itself. These persons are office-bearers in a kingdom which is not of this world. This is its leading character and distinction ; and we hold that the appointment of these office-bearers in Christ's kingdom should not be regulated by mere civil law, or by mere secular and worldly considerations ; and that it must not be determined or affected merely by the possession of property. Then, what are the functions they are called upon to execute ? They are to administer Christ's ordinances ; their whole conduct and procedure must be that of a free and independent society. No man can dispute this ; and this, then, is our leading view of their character,—one leading aspect in which it is to be regarded. And if they are appointed to conduct and administer the affairs of a free and independent society, this necessarily implies that their appointment should not be determined or controlled by any foreign authority,—by any authority beyond the society itself ; and surely it is manifest that an authority which is purely civil,—which rests exclusively on human law,—and which is based entirely on secular and worldly considerations, must in this matter be foreign and alien to the church of the Lord Jesus Christ.

These principles seem so very clear as scarcely to admit of dispute ; and, accordingly, I believe this view is very generally conceded by almost all who have brought their minds to bear on the subject. Men may evade the question altogether, and contrive to rest on certain vague general notions of a secular and worldly kind, derived from worldly comforts and advantages, and the relations in which they stand to others, and which lead them to a dislike of the whole subject, and make them dispose of it as quietly as they can ; but I cannot conceive how any man can seriously bring his mind to bear on the question, without at last coming to this conclusion. And I am the more confident in making this statement, from an important admission made by some of the defenders of patronage,—that the only way in which

patronage can be rightly exercised is by being exercised by a Christian state, through the agency and instrumentality of Christian men. This admission is clearly based on the obvious and undeniable truth of the principle to which I have referred, that the persons appointed, being office-bearers in Christ's house, are set apart to administer the affairs of His kingdom free and independent; and that it is a palpable incongruity and absurdity that their appointment should be determined by the civil power, or that any secular influence should be allowed to interfere in matters of a purely spiritual character, and requiring the agency and instrumentality of men of Christian character. If there was nothing more to say on the question than this, this of itself is enough to warrant us in condemning patronage. I do not see how it can be disputed, that this principle is counter to the existing system of patronage, as established by law in the Church of Scotland. There is no provision in patronage, as it exists in the Church of Scotland, that regulates it through the instrumentality and agency of Christian men. It is left to be regulated by secular and worldly considerations, and by questions of property; and I cannot well understand how any man can be prepared to lay down the proposition to which I have now referred, and who can yet refuse to concede in argument,—whether he may or may not feel himself called upon publicly to proclaim his conviction,—that the present system of patronage is inconsistent with Scripture, that it is indefensible, that it cannot be fully vindicated and cordially approved of; and that, therefore, the legitimate inference is, that patronage is a grievance, and ought to be taken out of the way.

These are some of the considerations suggested by the first blush of the question as to the appointment of the office-bearers of Christ's house. Now, where are we to seek more precise information as to the source whence the power of their appointment is to be derived? We are called upon, in seeking information respecting the character and appointment of Christian pastors, to consult the word of God as the supreme directory; and whatever we find there, whether in express precept or in general principles,—whether set forth in direct terms or conveyed by implication,—must be the supreme rule and standard in determining this point. We are all agreed in regard to the great general principle of the church's power, as comprehending the whole of what is needful

in the way of preparing, qualifying, and authorizing men to enter on the exercise of the functions of the holy ministry. This is the important duty which we are all agreed is devolved upon the courts of the church, and into which, in their capacity of preparing men for the ministry, no earthly power is entitled to enter. We are all of one mind as to that subject. We all hold that the church courts are the only judges of the qualifications of men entering into the ministry, and that they only are entitled to superintend the education of young men preparing for the sacred office, and are entitled also to say whether they have made such progress and attainments, as that they may be looked to by a congregation as suitable for becoming their minister. They have also a full and unquestionable right to determine in every case, whether they shall admit and ordain any man, whether he has been presented by the patron or chosen by the people. On this point we are all at one. Now, we think we have as good and clear scriptural ground for asserting that the people should have choice of their minister, as we have for saying that the presbyteries have all the powers that we agree in conceding to them; and, at any rate, the Scriptures shut us up to the conclusion, that the presbyteries or church courts, and the people or congregations, are the only parties who ought to have anything to do with the settlement of ministers. These are the only parties recognised in Scripture as entitled to meddle in this matter. It gives no sanction, direct or indirect, for the interference of any other party; and therefore we hold, that if we examine the word of God with a view to answering the question, How ought Christian ministers to be appointed?—we have sufficient materials for getting at the conclusion, that the presbyteries and the people are entitled to settle the matter between them; and, therefore, that there is sufficient ground for entitling us to declare, that patronage is a grievance, and for demanding its abolition.

It has always been maintained by Presbyterian divines, that nothing ought to be admitted into the worship and government of Christ's house which has not a positive sanction and warrant in the word of God. Now, there is nothing in Scripture warranting the interference of patrons, or recognising the introduction of the civil power in the matter of the settlement of ministers. Scripture recognises the place and standing of the presbytery and the people in the business; but it recognises no other authority; and, moreover,

we are warranted in coming to the conclusion, that there are sufficient materials in the word of God to lead us to adopt the principle, that there is a divine right in the Christian people to elect, and in the church courts to admit, the office-bearers of Christ's house. In this argument the principle of non-intrusion has an important advantage over the anti-patronage principle; for, first of all, the argument in support of the principle, that no man should be intruded upon a congregation contrary to the will of the people, may be derived from a larger and wider field of scriptural statements than bear directly on the choice of the people. And it has also this advantage, that every argument which proves the right of the people to have the choice of their own minister, does also prove, *ipso facto*, that, *à fortiori*, they have a right to have no man thrust upon them contrary to their will. Still I think there are sufficient materials in the word of God for leading us to come to this conclusion, that the people should choose their own ministers. These are to be found in the narratives of the election of an apostle and the deacons. And surely if any information as to this matter is to be derived from these narratives, they very obviously point to this, if they were examples to be imitated at all, that the people should suggest and nominate those that are to be invested with office in the church. I do not mean to illustrate this at any length; but I say that the elections of the apostle and deacons, taken in connection with other materials in the Scriptures, warrant my position that the Christian people are entitled to the substantial choice of their own officers.

I do not enter upon the question as a question of criticism. I only refer briefly to the authority on which this view of the question rests,—to the authority, not to the argument. I plead, of course, not only that the people should have a right to choose their own office-bearers, but likewise maintain the position that those portions of Scripture support and establish this right. This was the doctrine of the primitive church, as is clear and unquestioned in the unequivocal statement of Cyprian on the point. I also plead, that not merely is it the right of the people to have substantially the choice of their ministers, but that this was the almost unanimous doctrine of the whole body of the Reformers. They held this doctrine, and it ought to be sufficient to rescue us from the sneers and taunts of others when we assert the same truths. The great body of the Reformers, when they came to examine the word

of God, not only saw themselves constrained to resist the tyranny of the Pope and bishops, but also the tyranny of lay patronage,—to insist on the right of the people to the substantial choice of the office-bearers. A principle based on Scripture, and asserted on that ground by the Reformers, is one worthy of consideration, and not likely to be easily disposed of.

The opponents of the view I have now taken, are in the habit of passing over this part of the subject in a perfunctory and unsatisfactory way. They rather try to avoid the application of those statements to the question in hand, than to answer them. They rather try to show that these portions of Scripture do not *necessarily* support our views, to the exclusion of all others. This is the highest point they aim at, and they seldom think of venturing to establish those positions which are indispensable for the success of their cause,—namely, that these statements, in their fair and natural import, do not countenance the position we entertain. They think they can prevent us from asserting that those statements necessarily imply what we assert, and nothing else; but they seldom attempt to meet the position involved in the question, What is the true effect of those statements? Let us hear them upon this point. Let them venture to ask what is the natural effect of these statements, and then there would be no great difficulty in coming to a conclusion that they are intended to teach us this lesson, that the Christian people are entitled to the choice of their own office-bearers. Our opponents should openly lay down this position, that Scripture gives us no information on this point at all; that there are no materials in the word of God, in the right use of which we are warranted to come to any conclusion as to the way and manner in which pastors should be appointed. If they lay down that position, and establish it, then they cut the knot at once; they put the Scriptures out of the field. Let them lay down such a position if they choose; but let it be distinctly understood that they do take this ground, and let them give us arguments for so extraordinary a position. If they will not say the Scriptures contain no elements on which to come to any conclusion on this question, we are entitled to demand what the conclusions are to which the word of God leads us. We hold ourselves entitled to be met by a frank and manly discussion of this question; therefore, I say, unless it be alleged that the Scriptures do not lay down any position on the subject, let them tell

us what are the conclusions for which the Scriptures afford *us* materials.

In adverting to the scriptural argument, our opponents sometimes refer to the distinctive characters of the Jewish and Christian dispensation, showing that the Jewish establishment was full of rites and ceremonies, where everything was ratified by express command, and that in these respects it was a contrast to the Christian dispensation, where many things were left to be regulated by circumstances and general rules. Now this is true; but then, the only way in which that position could bear on the question, would be to prove that there was nothing settled in Scripture,—no materials given for settling *this particular question*; and no general declamation, no vague generalities, are sufficient to put down our position in respect to the appointment of ministers. It must be shown not merely that Scripture is not sufficient to give us warrant for the views we hold, but it must be shown that Scripture gives no warrant, contains no elements, for settling this point. This, however, is not a mode of discussion which our opponents are in the habit of resorting to. They lay down vague generalities, with a certain degree of truth and plausibility, that do seem to be connected with the matter under discussion; but when examined, they are found to be without any bottom; and in this way the real truth of the position is evaded, as the argument has nothing to do with the precise point in hand.

Laying Scripture aside in the meantime, we may ask, What does reason and common sense suggest on this point, on the determination of which the peace and prosperity of the church so much depend? Surely this at least is very obvious, that the appointment of Christian ministers should be vested in those who, from their circumstances and professions, may be expected to desire to get good and suitable ministers, and may be expected to be qualified to make a good selection. These are obvious truths, grounded on common sense, which no one will venture to dispute; and they lead clearly to these conclusions,—First, That the presbytery, or church courts, ought to have a large share in the general subject of the vocation of ministers; secondly, That the Christian congregation should have an important place in this matter; and, thirdly, That patrons, as such, ought to have no standing in the matter at all. These are the conclusions come to on this question under the guidance of reason and common sense.



I fully admit, and cordially believe, that there are patrons who really desire to get good and suitable ministers, and who are well qualified to make a selection of such ministers. We all know, and are not likely to forget, that there are such patrons. But the desire of these men to get good and suitable ministers, and their fitness for making a selection, is not in any measure in virtue of anything attaching to them *as patrons*, or flowing from anything connected with, or accruing from, the nature and tenure of this property; it depends in no way on the manner in which they have become patrons, or the grounds on which this right to exercise patronage has come into their possession; it is traceable entirely to the personal character of these individuals. It is owing to this, and this alone, and not to anything attaching to their position as patrons, or to the way and manner in which they have acquired their patronage. These men are, no doubt, good and excellent men; but I maintain they would have had just as much power and influence in this matter, had they been entirely destitute of wisdom and goodness as they now have it,—their right to patronage would continue the same, even if they did not possess the two great requisites of wisdom and goodness. In the system of patronage, there is no provision made, or attempted to be made, for securing that it shall be vested in one who has, or professes to have, a regard to the good of the church in the selection of suitable ministers. It is a radical error in the system of patronage, viewed in the light of reason and common sense, that no attempt is made to place the power of patronage in one who has the qualifications I have referred to. He may have the desire and the ability to select good and suitable ministers; but, on the other hand, he may not have these qualifications, and no provision is made for curing this evil: the matter is regulated by the mere question of property.

Then, as to the people, we may venture to say, from the position they occupy, and the professions they make as members of the church, that they may be expected to have a real desire to get a good and suitable minister. There is an immense superiority of the people over the patron on this fundamental point. As to the capacity of the people to judge, our opponents say they have the superiority over us. Without entering fully into the discussion of this topic, I will only observe, that the precise point on which judgment is to be formed is mere suitableness to a congregation. Everything else belongs to the presbytery,—as to the general



qualifications for the ministry of the gospel; and the only thing that can belong to either the people or the patron, is the question of suitableness for a particular congregation to which a minister is appointed. Now, I have no hesitation in saying, that the Christian people of a congregation are better qualified to judge of the suitableness of an individual than any one man can possibly be, be he who he may, and however desirous he may be that a good and suitable minister should be appointed. The mind of the congregation upon that point will, in all ordinary circumstances, be more wise and sound than that of one individual can be,—one who, perhaps, never saw them, and never will see them in his life, and who knows nothing of the constitution and character of the parties. It is said, no doubt, that it is the right of the church courts to check the evils that may result from this. All this is true; still our answer is, that the initiative is an important part of the process, and tells upon the ultimate settlement of the matter. The question therefore occurs, Why should any part of this important process be left to a mere question of chance,—to a right dependent on worldly property? Why should anything in the important matter of appointing Christian ministers be left unregulated by any sound principles, or any attempt even to bring sound principles to bear on it? Why should patrons have a veto in the settlement of any congregation while the right is not given to the people,—to the party most deeply interested in the settlement? If a veto is given to the patron, it must exert an important influence on the whole proceeding; and, important as that influence is, you leave it without an attempt to bring sound principle to apply to it; you leave it to mere secular considerations to settle the point. Reason and Scripture, then, concur in leading to the conclusion that patronage, based solely on human law and the possession of property, should have no place or standing in the appointment of Christian ministers. And this conclusion, though we had nothing more, is a perfectly sufficient ground—nay, it is an imperative call—for the condemnation of patronage.

An elaborate attempt has sometimes been made, I should scarcely say to answer, but to get beside this question. It is substantially this,—the case of a proprietor is supposed, who deems it necessary to erect a church for his dependents. Under the influence of this conviction, he resolves to build a church and endow

a minister. This is a pleasing and interesting feature of character, that calls forth one's amiable feelings; but then the conclusion aimed at is, that when such a thing has been done, it is a necessary and proper thing that the man who has done so much for the good of the church and his dependents, should retain to himself and his heirs the right to name the minister. This is, in substance, the position taken up. It is virtually an appeal to our feelings; and the question is put, Does not every man see that this is a natural and reasonable consequence? Now, this is rather a delicate matter; it bears upon a topic with regard to which I will speak with all forbearance. Still, there is principle involved in the matter, and it must be brought out. The individual who builds the church is, *ex hypothesi*, a man desirous to promote the interests of religion. That being supposed, we are entitled to assume that the whole of his conduct in this matter is to be regulated by right principles, and by a regard to the real welfare and efficiency of the institution. Now, the question is, what is right or reasonable for a good man to do in these circumstances, and in accordance with these objects, and not what is natural for a man who does not think of those things at all. The question is, not what is natural and reasonable on taking a superficial view of the matter, but what ought this man to do, aiming at the objects he had in view in erecting and endowing that church? What ought he to do? That is just the question before us now. Some say it is natural and reasonable, that when a man builds a church, the patronage of it should be possessed by him, and should go down to his heirs. Two things are alleged—first, that it is reasonable and natural for an individual to ask that the patronage should be invested in his heirs; and, secondly, that the people should coincide in the arrangement. I cannot consent to either of these. It is true that a man has a right to do with his church and his money as he pleases; but then we are assuming that he really desires to lay out his money in a way best fitted to promote the interests of religion and the welfare of his dependents; and that being assumed, is it not manifest that he, in making an arrangement in this matter, is bound to take up still the very question, How ought a Christian minister to be appointed? What are the principles that ought to regulate this matter? And how may I best exercise my authority and influence for seeing that the appointment of Christian ministers

should be regulated by right principles, and in a way best calculated to promote the cause of religion?

There is no other way in which the asserted *prima facie* argument, of the reasonableness of giving to those who build and endow churches the patronage of these churches, can be maintained. There is no way in which it is possible to get past the questions which, as good men and pious men, they are bound to decide. Our opponents will surely never attempt to speak in favour of men retaining the appointment of ministers, who do not care one straw what the minister may be, or what may be the results of his appointment—men who only care for the one thing, that the patronage be secured to them and their heirs. In the case of a good and pious man, who builds and endows a church, and who is at the same time conscious of the purity of his motives,—I am willing to admit that he may think it a very natural and reasonable thing that he should have the patronage secured to himself. I will not say that there is anything unnatural or unreasonable in such a supposition, when the scriptural principle is not brought to bear on the question. I can imagine a good and a pious man, who had not given a great deal of consideration to the scriptural nature of the question, holding it quite natural, that when he had built and endowed a church, the right of the patronage should be secured in property to himself and to his heirs. But let even such a good and conscientious man look at the question as he ought to do—let him consider it in the light in which it ought to be considered,—and I cannot at all see how he could come deliberately to such a conclusion. He must, in such circumstances, be convinced that in all cases of the appointment of ministers to churches, the best means of securing a good minister ought to be adopted; and could he persuade himself that the best way to secure for the people a good minister was to make the patronage of the church a piece of property to be handed down to his heirs? I cannot see how a good, pious, and conscientious man, even in the case of his building and endowing a church, could come to any such conclusion. I hold that there is nothing natural or reasonable in transmitting the patronage to his heirs, even although it were held reasonable and natural that those who built and endowed churches should exercise the patronage of them during their lifetime. The son who succeeds to him may be very different in his principles. It may be that the property which the

father had used so well for the benefit of others, might be rapidly squandered by his successor, and the property in the patronage brought to the hammer; and thus the appointment of the minister would be thrown into other and unknown hands. It would most likely be exercised no longer under the influence of a proper principle; and thus the great end intended by the original founder of the church and endowment might be altogether set aside and destroyed.

It may be that there is nothing wrong in the church accepting of the boon of a church and an endowment,—it may be that the presbytery are warranted in carrying into effect the settlement of a properly qualified minister when presented, though the patronage be retained in the hands of the Crown or of an individual; and the people may even be justified in accepting such a presentee, if they find him suitable and edifying. Although patronage can neither be admitted as a principle nor approved of as a practice, there are, no doubt, circumstances in which it may be submitted to. This is a most important view of the matter, and it is not to be determined by any considerations of the principles which might guide man's conduct in considering patronage as a merely secular property; it is to be judged of on higher—on spiritual principles. Looking, therefore, at patronage in the view in which it ought to be considered, it is clear that the argument of the reasonableness of men building and endowing churches, and transmitting the patronage of them in property to their successors, must be thrown entirely out of the way. Though patronage should be properly exercised as it now exists, it does not affect the important question, In what way ought the ministers of Christian churches to be appointed? Every one who fairly considers the question will hold, that not only the individual who builds and endows a church, but the presbytery which accepts and carries into effect a presentation by a patron, ought to bring the whole question to be tried, not on its secular, but on its spiritual principles; they ought not to look on it merely to decide whether it be natural or reasonable that such a system of patronage should be tolerated and allowed. There is a clear and indispensable duty incumbent on all the parties,—there is an absolute necessity, if they would view the question aright, for their taking up the subject of the spiritual and scriptural principles bearing on the right to appoint ministers.

Another argument which has been used in support of patron-

age is, that by endowing a church, the patron obtained a clear right to the exercise of his patronage in the appointment of a minister. I am not sure that this is openly pleaded, but it is often insinuated as an argument for patronage, that the State, by establishing the church, or the individual by endowing it, obtained a right to the appointment of a minister. This is the only manly and consistent argument which our opponents can bring against us. It is the only one they can find by which to put a smooth skin and a decent face upon the matter,—it is the only ground on which they can found their position, that the establishment of a church by the State, or the endowing of it by an individual, should give the respective parties a right to the presentation. They may have other grounds, but on this alone can they openly defend the exercise of State and individual patronage. This argument is most clearly and decidedly Erastian. I hold it to be, in all circumstances whatever, Erastian to admit that the civil power has a right authoritatively to interfere with matters spiritual and ecclesiastical, no matter by what means they acquired the position of claiming it, or whatever be the grounds on which they assert their right to do so. If the civil power, or if an individual, claim or exercise jurisdiction, or attempt to interfere, or claim authority to interfere, with ecclesiastical matters or ecclesiastical procedure, it is undoubtedly Erastian; it involves sin in the party who exercises the interference, and sin on the part of the church or the ministers who submit to it.

This question, of the right of appointing ministers, occupied an important place in the old Erastian discussions, and was very often brought forward by the supporters of that heresy. They imagined it a very plausible argument to say, that the civil power was as much entitled to interfere with the civil right of appointing ministers as with any other civil right; and on this ground the old Erastians were fond of putting the question of the right of the civil power to appoint ministers pretty much in the foreground. They thought they could say, that it was natural and reasonable that an individual who endowed a church should have the right of appointing a minister confirmed and conveyed to himself and his heirs. The right to interfere which they then claimed, they meant to use as a wedge to drive their actual interference into the precincts of the sanctuary itself. The spirit of Erastianism is the same still. Patronage is looked upon by many as a wedge by

which the civil power might be enabled to get into the holy of holies, and thus entirely subvert the separate and distinct government which Christ had appointed in His church. And the more we call upon them to point out to us a tangible ground on which they defend this continuance of patronage when it leads to such results, we find that the only ground on which they can stand in its defence is, either that it is inherent in the State which established the church, or given to the State by compact with the church; and on these they found the right of the civil power to exercise its present interference with ecclesiastical matters. We say that the appointment of a minister is essentially and completely an ecclesiastical matter,—a matter entirely and solely within the power of the church itself, and of the church courts; and as a proof of this, we bring forward a test of the distinction between the civil and the ecclesiastical provinces,—a test which our opponents have not ventured to impugn, nor can they themselves produce to us any other test. We say, that these matters of the appointments of ministers, are matters properly and purely ecclesiastical—that these powers were given by the Lord Jesus Christ to the church—that they form part of the ordinary government and business of the church of Christ, and that this part of the process of its government must go on in Christ's church wherever that church is situated, or in whatever circumstances it may be placed. To show the dilemma into which we drive the upholders of the Erastian doctrine, when they assert that the right of the civil power to exercise patronage and to interfere in ecclesiastical affairs is derived either from inherent right, or from compact with the church, we say, that if the civil courts have a right, either inherent or by paction, to decide how ecclesiastical matters shall be settled, independently of the church courts, then the church courts must virtually cease to be courts of Christ's church, and the civil courts must be at liberty to appoint officers other than those which Christ has appointed in His church.

Such being the dilemma into which they must be driven, I am astonished how any one can support or give countenance to patronage as being right and scriptural in itself. They may possibly say that they hold the question to be a constitutional one, on the ground of the statutes which exist on the subject of patronage; but I am quite sure that no one will contend that the spiritual independence and jurisdiction of the church can be upheld



otherwise than by upholding the great scriptural principle, the truth of which is involved in the sole headship of the Lord Jesus Christ over His church. Unless we are determined, in virtue of that great principle, to protest against the exercise of civil authority in spiritual matters, and get that interference put entirely out of the way, we shall not be discharging our duty; and I cannot concede that any man, who professes to be acquainted with the scriptural grounds of the spiritual independence of the church, and the right of the Christian people in appointing their own pastors, is at all consistent in his views of these doctrines, unless he opposes patronage, and demands its total abolition.

I will not refer to the effects of the Act of Queen Anne, more than to say that it has been productive of immense injury to the church. The subject of patronage has been one all along fraught with the most injurious and lamentable effects to the Church of Scotland. It has given rise to much separation and dissension among her ministers and her people, and it has spread spiritual desolation and death over many parts of the land. When we look to the gross iniquity of the Act of Queen Anne—to the despicable and shameful breach of national faith in which it originated and was carried—to the unhallowed purposes it was intended to serve,—all these considerations must aid us in coming to the conclusion that patronage is an evil. We have seen its principles and its effects brought out in bold relief by the Erastianism evinced in the decisions of the Court of Session. By these decisions we see clearly that patronage has been, and will yet be, used as a wedge to force an entrance into Christ's house. This is now proved, beyond a doubt, by its being brought into actual established practice as the ground of that secular interference which has reached such a fearful extent, that I cannot believe or imagine how any one can attempt to justify the Act of Queen Anne, on which the interference is professed to be grounded,—an Act which should be regarded by every Scotsman with feelings of the utmost indignation and detestation. The decisions are not actually founded on the Act of Queen Anne, or the precise terms it contains; it is not alleged that there is anything directly in that Act by which such proceedings can be justified. Recourse has been had to an attempt at general reasoning, and it really is reasoning of a very sorry description. They have attempted to reason in this way: Here is a civil right which is in some way involved in an ecclesiastical



question—we must give effect and protection to this civil right—some court or other must certainly have the power of giving effect to it—some court requires to have the power of keeping one party to the proper discharge of their duty, and of keeping to others their civil rights. This is all the extent of their reasoning. No one attempts to maintain explicitly that the Court of Session is the proper court, or that, by the law of the land, any such court with such powers has been established. They content themselves with the statement, that so long as there is a civil right involved in the appointment of ministers, the church will never be relieved from the interference of the Court of Session in defence or protection of such civil rights. There can be no safety against such interference by any court as long as patronage is allowed to remain in any shape. They may have a majority of a civil court declaring that a civil right is involved, however moderated or restrained the exercise of patronage may be; the same interference may be carried on, however remote the civil interest may be in the question; and the only way, therefore, for us to get rid of the evil, is by the total, the absolute abrogation of the law of patronage.



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